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INDIAN PEASANT PROPRIETORSHIP

BY

BRIJKISHORE BHARGAVA

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Indigenous Banking in Ancient & Medieval
India., Indian Rural Reconstruction., Land-
Lordism in India., Indian Rural Credit.,
Indian Land Revenue Administra-
tion., Indian Land-tax., Maharaja
Vikramaditya, II, Emperor
of Hindustan.,
Etc., Etc., Etc.



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INDIAN PEASANT PROPRIETORSHIP.



His Highness Shri Sawai Mahendra Maharaja
Shri Vir Singh Ji Deo Bahadur of
ORCHHA.

**TO
THE MOST REVERED**

**His Highness Raj Rajeshwar Maharajadhiraj
Shri Sawai Mahendra Maharaja Sri Vir
Singh Ju Dev Sahib Bahadur, Sarmad-
i-Rajah-i-Bundelkhand, Ruler
of Orchha State,
Tikamgarh, C. I.**

*in high admiration of His Highness' broad
sympathies, wide toleration, greatest and
keenest interest in the well-being of the
peasantry of Orchha State in parti-
cular and Bundelkhand in
General and their protec-
tion as his own sons*

THIS BOOK

*is with His Highness' kind permission,
most respectfully and gratefully*

**DEDICATED
BY
THE AUTHOR**

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PREFACE.

While working as Secretary to the Bikaner Banking Enquiry Committee in 1929, I was struck by the existence in the Bikaner State of different classes of tenants in different districts enjoying different rights varying from proprietary to *khatedari* which is inferior to even occupancy rights. My interest having been aroused by such disparity, I made a closer study of the rights of the tenants and I was amazed to read in the Settlement Report of Colonel Fagon that the Jats, Johiyas, Kumhars and others were not considered as proprietors of their land though occupying the same for generations.

I then made up my mind to make an intensive study of the rights of the tenants in different parts of India and find out, if possible, the how and why of their loss of proprietary right over the soil. But on account of my pre-occupation with other work after the completion of the labours of the Banking Enquiry Committee I could not immediately take up the study. But having read the report of Mr. C. U. Wills C. I. E., I. C. S. on the status of certain *Jagirdars* of the Jaipur State in 1933 I was again impelled to ascertain the truth of the matter and inspite of my many domestic works I took up the study of the question.

As I examined the question closely, I found

to my great satisfaction that in Rajputana the cultivator was the proprietor of his land. I found the Rajput peasant singing with pride the old adage of Rajputana:

"Bhom ra Dhanni me chan : Bhog ra dhanni Raj ho."

I also found that in Rajputana the peasant compares his right over the land with the *Akhay-Dhooba*. He calls the land his "*Bapota*", the most emphatic, the most ancient, the most cherished and the most significant phrase his language commands for patrimonial inheritance. I found on further investigation that the *Bapota* of Rajputana was found in the words "*Maurusiat*" "*Milkiat*", "*Miras*", "*Kadimi*", and "*Virasat*", in other parts of India all conveying the same meaning as the "*Bapota*" of Mewar. Encouraged by these results, I made further investigations and was startled to find that the rights of the cultivators have very mercilessly been usurped by the so-called *Malguzars*, *Zamindars*, *Mamlaguzars*, *Taluqdars*, *Pattedars*, *Istamrardars*, *Khatedars*, *Jagirdars*, *Biswedars*, and *Bhogtas*. (I was then convinced that the Permanent Settlement of Bengal, Bihar and Orissa, Benares and Northern Circars according to which the proprietary right is vested in the landlord, was the greatest mistake. So was it a mistake to confer proprietary right on the *Mamlaguzars* as they are called in Indian States who formerly were no better than land-revenue contractors.

In course of my investigations I searched all the available literature of the Hindus and Muslims and was convinced that the proprietor of the land is the cultivator. I have tried to prove the point in this book and I hope this will give food for thought to all well-wishers of the country.

I am indebted to Mr. Sanjiban Ganguli M. A., F. R. S. E., the veteran educationist of Rajputana and a retired Jaipur State Officer who guided me all through the compilation of this book, very kindly went through the manuscript and suggested many improvements. But for his kind and ungrudging help it would not have been possible for me to present the book so soon in this form.

I am equally indebted to my friend S. J. Manindra Narayan Ray of "Forward", Calcutta, who kindly took the trouble of going through my manuscript and devoted much of his valuable time in improving it. He also helped me by correcting the proofs and seeing the book through the Press.

I must also express my thanks to Mr. P. C. Chatterji, the Librarian, Maharaja's Public Library, Jaipur and his assistants for the most valuable help given to me by him and his staff. He gave me very great facilities and allowed me the use of each and every book I wanted.

Last but not the least, I am indebted to my

brother, Mr. Pyarelal Bhargava of 161/1, Harrison Road, Calcutta who encouraged me to publish this book and rendered very valuable help in the collection of some of the statistics for the book. I must also acknowledge the help given to me in various ways by Messrs G. C. Tappedar, B.A., B.L., Newalkishore, Rameshwar Dyal and Bhai-rondutt in various ways and I express my thanks to all of them.

I must state that I am fully conscious of my shortcomings and limitations. I am quite aware that I have handled the vast subject matter of this book very imperfectly. But I shall consider myself amply rewarded if my inadequate labours secure for the subject a more proper attention and treatment.

While concluding I must apologise to my readers for the many printing mistakes which have crept in, particularly in the very first chapter through the inadvertence of an inexperienced proof-reader who was at first entrusted with the work during my absence from Calcutta. I shall correct the mistakes if my readers allow me to bring out a second edition of the book.

LIPUE, RAJPUTNA,
BASANTPANCHMI,
January 28, 1936.

BRJ KISHORE BHARGAVA.

PEASANT PROPRIETORSHIP IN INDIA.

HINDU PERIOD.

CHAPTER I.

Origin of Property—Property originated in India with the settlement of the Aryans in the Indus Valley and occupation by them of land both for agricultural and residential purposes. In a settled society the occupation of the people determines the mode of their possession. The Aryans were Agriculturists-cum-cattle-breeders, and as such their possessions were so devised by the sages as to conform to their mode of life and occupation, give the greatest security and maintain the harmony and good will among the people.

Kinds of Property—In the Vedic literature mention has been made of three kinds of property. These were :—

- (1) Movable property. This could be given away, and its proprietorship changed in one way or the other.
- (2) Immovable property like agricultural land. This was private property of the person or persons having possession over it, and

- (3) Common land like pasture fields, places of use like tanks, rivers, water courses, forests and the like.

In connection with the movable property, we read : "Riches come now to one, and now to another, and like the wheels of car are ever rolling." (1)

Regarding private immovable agricultural property the following passage in Rigveda may be of interest : "The Ribhus, with a rod measured as if it were a field." (2)

"O ! Indra, cause a sprout again in three places, these which I declare ; my father's head, his cultured field (which I possess) and this part below my waist. (3)

'It appears from this hymn that the early Aryan looked upon the land as his inalienable possession. At many places mention is found of alienation of all sorts of articles by gift or sale, but not of land. From this it is reasonable to infer that land was regarded as possession of the cultivator whose right to it originated with his using it for productive purposes and was deemed to be valid as long and only so long as he continued tilling it. The early Aryan settlers respected joint family system and the property (land) was more a family possession than that of an individual. In this con-

1 Rigveda X, 107, 2.

2 Ibid, 1, 110, 6.

bid VII, 80, 5.

nection the authors of Vedic Index observe : "There is nothing to show that community as such held land. What little evidence there is, indicates that individual tenure of land was known ; but this in effect, though not in law, presumably meant tenure of a family rather than of an individual person."

The village community had common rights over the adjoining pasture lands and the cattle of the entire village could go for grazing to such common grazing grounds. The milk-giving animals were led to the grazing ground (*Vraja* or *Gostha*) for grazing purposes by cow-herds. (1) Thrice a day they went to pasture-fields. (2)

Relation between State and the People—In the Vedic period the king was an elected person from among the people of the country. We read:—"See that the peasantry desire him for their king, so that his kingdom may not slip from his hands." (3) Again we read:—"Kingship means giving protection ; the land is not king's own property and cannot be given away by him." (4) The king at the time of his coronation after election was definitely given to understand that the crown was given to him so that he might develop agriculture. (5) The king had a right (given to him by the people for the management of the Government) to

1 Rigveda VIII, 54, 10.

2 Taittiriya Brahmana, 1, 4, 7.

3 Rigveda, X. 173, 1.

4 Taittiriya Brahmana, 1, 4, 7.

5 Satapatha Brahmana, 11, 1, 15.

realise land revenue called *Vali*. We read :—
 “May the Divine Fire compel the people by force to bring *Vali* to *Nahusha*, the king.” (1) “May Indra, (rain-giver) make all the people pay their *Vali* to thee alone.” (2) (The king had no right in the land as a proprietor but was a lord paramount for the protection he gave to the people and for these services he received land revenue called *Vali* or *Danam* (gift).) The king had no right to make a gift of land or otherwise alienate it. When a king had given away a piece of land, the Earth herself protested and said, “Let no mortal give me away.” (3) (This clearly establishes the fact that as early as the Vedic period the proprietary rights in the agricultural land were vested in the peasantry. The people were the owners of the land and paid their land revenues, *Vali* or *Danam*, to the king direct without any intermediate land-lord.)

Position during the Epic period—The position during the Epic period changed a little. (The cultivator actually remained the proprietor of the land he possessed, but a class of land-lords gradually came into existence through the appointment by the king of agents for the collection of land revenue on his behalf. The King received *Vali* or land-tax from the cultivators in Khalsa tracts and tribute from his agents who were like subordinate land-lords. Regarding realization of land revenue from the

¹ Rigveda, VII, 6, 5.

² Ibid, X, 173, 6.

³ Satapatha Brahmana, XIII, 7, 13.

peasantry, we read :—"With a sixth part, making a fair calculation, of the produce of the soil, as his tribute, with fines and forfeitures collected from offenders, with the other taxes, according to the scriptures, upon merchants and traders in *exchange for the safety granted to them*, a king should fill his treasury)" (1) We further read :—"A king should milk his kingdom like a bee collecting honey from plants. He should act like the cow-herd who takes milk from her without boring her udders and without starving the calf." (2)

It is clear enough that the king received *Vali* or land revenue for the protection he afforded to the peasantry and not as proprietor of the land in his kingdom. Regarding taxation in a newly conquered territory we read :—"The king, with or without an army to follow him, entering the territories of the king he would bring under subjection, should say to all people, 'I am your king ! I shall always protect you ! Give me just tribute or fight with me !'—If the people accept him as their king, there need not be any fighting." (3) In connection with the existence of land-lords we read :—"Are your principal tributary chiefs (rulers of land) attached to you ? Are they ready to give their lives for you ? Are they commanded by you ? (4)

1 Mahabharata, Santiparva, LXXI, 10, 107.

2 Ibid, LXXVIII, 4, 131.

3 Ibid, XCIV, 2-3-4, 140.

4 Ibid, Savaparva, V, 95, 9.

In another verse we read :—“The (other) kings used to come to him (King Yudhishthira) only for agreeable services, or for paying their respect to him, or for offering to him tribute that did not in any way impoverish them. They never came to him for any other purpose (such as conquests). (1)

It is clear from the foregoing that there was a class of chiefs as land-lords subject to the control of the king who exercised supremacy over certain tracts of land ; but it should carefully be borne in mind that these land-lords had no proprietary rights over the land, the king himself having nothing of the kind either. (We have it on the authority of Mr. Shore who has definitely stated in his MINUTE on the Rights and Privileges of Jagirdars, dated 2nd April, 1788, that the assignment of a Jagir to any person by the king “was not an assignment of the land but of the revenue to which the State was entitled.”) There is no mention anywhere in the whole of Mahabharata that either the king or the land-lords had any proprietary rights over the agricultural lands of the peasantry. (The king would often make gifts of land to Brahmanas, for certain religious, charitable or educational purposes. But like the assignment of Jagirs these gifts, too, were gifts of only the land revenue and not of the land itself.) It is nowhere mentioned that the receiver of such a gift ever acquired any proprietary rights. It appears that such gifts were made by the king after consultation with the Assembly of the people

which was like the Parliament of the modern time and the opinions of which the king had to take and respect in all matters of administrative or other importance.

Position during the Sutra period—In this period also, the cultivator enjoyed proprietary rights over the agricultural land under his possession. Jaimini says :—"The King cannot give the land, for, it is the common property of all." Savara commenting on it, says :—"The king has a right to a definite proportion of the produce because of his giving protection to the crops, etc., but has no proprietary right to the land." (1) Mr. R. C. Dutt, C.I.E., discussing *mimamsa* Philosophy, says :—"The king has no property in the land, and cannot bestow it. His kingly power is for the Government of the realm, but the right of the property is not vested in him." (2) This is conclusive evidence of the proprietary right that the peasant had over the land under his cultivation.

The position during the Smriti period—Such peasant-proprietorship remained the established fact during the period of Manu and other law-givers as well. The king remained, as heretofore, the manager of the kingdom for which he received land revenue from the husbandman. Manu says : "(Sages) who know the past, call this earth (*Prithvi*) even the wife of Prithu; they declared a field to belong to him who cleared away the timber, and a

1 Jaimini's Sutra, 6-7-3.

2 History of Sanskrit Literature by Mr. R. C. Dutt, C.I.E. pp-320-1.

deer to him who (first) wounded it". (1) Kalluka, the commentator of Manu, thus explains the text :—
 "The land is the property of the man who uproots the stumps of tree and cuts down raised banks, so as to make it arable, in the same way as this speared wild deer is said to belong to the man who first threw that spear."

The king, as in the past, continued to receive *Vali* or land revenue, (at present mis-called rent), as his reward for the protection afforded by him to the people of his realm. Manu says :—"After (due) consideration he shall always fix in his realm the duties and taxes in such a manner that both he himself and the man who does the work receive (their due) reward. * * * *
 A fiftieth part of (the increments on) cattle and gold may be taken by the king, and the eighth, sixth and twelfth part of the crops". (2) This view of this great Hindu law-giver is supported by various other famous authorities Yajnavalkya says :—"Protecting his subjects with justice, he receives one-sixth of their merit." (3) Apastamba says :—"The king shall make them collect the lawful taxes." (4)

In the words of Gautama, "Cultivators (must) pay to the king a tax (amounting to) one-tenth, one-eighth, or one-sixth (of the produce)." (5) According to Baudhayana, "Let the king protect the

1 Manu. IX, 44.

2 Manu, VII, 128, 130.

3 Yajnavalkya, I, 334, 336.

4 Apastamba, II, 26, 9.

5 Gautama, X, 5, 24.

subject receiving the sixth part." (1) Narada says :—
 "Both the other customary receipts of a king and what is called the sixth part of the produce of the soil form the royal revenue, the reward (of a king) for the protection of his subjects." (2) Vishnu says :—
 "He must take from his subjects as taxes a sixth part of the grain." (3)

This view of the great law-givers is supported by Mr. Colebrooke who observes :—"The monarch has not the property in the earth. His kingly power is for Government of the realm, and extirpation of the wrong ; for that purpose he receives taxes from husbandmen and levies fines on offenders." (4)

Position during the period of Chandragupta Muarya—The Arthashastra of Kautilya, the chief minister of king Chandragupta, throws a flood of light on the condition in the country during this period. According to this authority the proprietary right of the peasants over their holdings remained an uncontested fact during this period as well. The cultivators, however, were liable to be ejected and their lands confiscated on their failing to cultivate their lands or pay land revenue. Sales and purchases of lands were also known but among the same community, that is, among the agriculturists. Service-tenure came into existence during this period but without any right to alienate or mortgage

• 1 Baudhayana. 1. 10. 18. 1.

2 Narada XVIII, 5. 48.

3 Vishnu. III. 5. 22.

4 Miscellaneous Essays by Mr. Colebrooke.

attached to it. The following reproduction on the subject may be read with advantage :

. "Land prepared for cultivation shall be given to tax-payers (*karada*) only for life (*Ekapurushikani*). Unprepared lands shall not be taken away from those who are preparing them for cultivation." (1) Lands may be confiscated from those who do not cultivate them ; and given to others ; or they may be cultivated by village labourers (*gramabhritaka*) and traders (*vaideheka*) lest those "owners" who do not properly cultivate them might pay less (to the government). If cultivators pay their taxes easily, they may be favourably supplied with grains, cattle and money." (2) Sales were allowed to kinsmen and neighbours only. We read :—"Rich persons among kinsmen or neighbours shall, in succession, go for the purchase of land and other holdings. Accurate description of the exact boundaries of fields, buildings of any kind, lakes or tanks shall be declared before the elders of the village or of the neighbourhood. If, on crying aloud thrice 'who will purchase that at such and such price ?' no opposition is offered, the purchaser may proceed to purchase the holding in question....." (3). Such land which had no boundary marks or were "ownerless" were to be distributed by the king to other persons. (4) Regarding giving land to servicemen and others

1 Arthasastra. 11, 47, P 52

2 Ibid. 11, 47, P 52.

3 Ibid. III, IX, 168, P 213.

4 Ibid. 169.

we read :—"Superintendents, Accountants, Gopas, Sthanikas, Veterinary Surgeons (*Anikastha*), Physicians, Horse-trainers and Messengers shall also be endowed with lands which they shall have no right to alienate by sale or mortgage." (1) There were tributary princes who came under subjection by conquest or otherwise. They used to pay tribute to the king or lord paramount or used to transfer control of territories as ceded districts to the higher ruling authority. As a guarantee to pay tribute regularly women or other hostages were also kept in the court of the paramount sovereign. (2) The peasant proprietorship of the land in this period is proved by the fact that the king was enjoined to perform duties of protecting the husbandmen for the revenue realised by him. The author says :—"He shall protect agriculture from the molestation of oppressive fines, free labour and taxes; herds of cattle, from thieves, tigers, poisonous creatures and cattle diseases." (3) "The king shall make provision for pasture grounds on uncultivable tracts." The existence of service-tenure and tributary princes and land-lords did not interfere with the proprietary rights of the peasantry which survived during this period as heretofore.

Position during the Buddhist period—Land was regarded as impartible estate during the Buddhist period. Each family had its share. Sales and pur-

• 1 Arthasastra. II. 143. P 52.

2 Ibid. VII. III. 269. P 335:

3 Ibid. II. 1. 49. p 54.

chases were allowed, but not to outsiders and without the consent of the village elders. The position of the peasantry *vis-a-vis* their rights over the land they cultivated, is described by Mr. Rhys Davids in the following words :—“The rural economy of India at the coming of Buddhism was based chiefly in a system of village community of land-owners, or what in Europe is known as peasant-proprietorship. (1) He says in another place :—“And each village had grazing grounds for the cattle and a considerable stretch of jungle where the villagers had common rights of waste and wood.” (2) Landlordism in India during this period had its own place. The paramount king or the vassal landlord remained only a receiver of land-revenue while the proprietary rights continued to rest with the cultivators. Change in the ruling dynasties did not change the rights of the people. In this connection we read :—“Thus, in all periods of history Local Government in India have gone almost unchanged inspite of conquest after conquest. It was always regarded as a legitimate object of the ambition of every king to aim at the position of a *Chakravartin* or supreme monarch. If his neighbours agreed, so much the better ; but if they resisted his pretensions, the question was decided by a pitched battle. In either case, the Governments of the states involved were usually not affected. The same prince continued to rule, and the

¹ Cambridge history of India by Dr. Rhys Davids. pp. 1. 198.

² Buddhist India, by Dr. Rhys Davids, pp. 44-46.

nature of his rule did not depend on his position as suzerain or vassal king. An eloquent testimony to this fact is also borne by Megasthenes, the celebrated Greek ambassador who after careful observations came to the conclusion that in India the rights of the peasants were universally regarded as so sacred that no conqueror could even dream of interfering with the tillers of the soil. "Tillers of the Soil", said he "even when battle is raging close by, are in no danger, for, although combatants on either side killed each other, they did not hurt the cultivators and they did not ravage enemies' land with fire, nor cut down the trees" (1). Generally speaking, the condition of the ordinary people was not affected or was only affected indirectly by the victories or defeats of their rulers. The cultivator was never compelled to leave his field and take up the arms to fight for his ruler. The soldiers were recruited entirely from a different class of people and the peasants were left free and unmolested to continue their peaceful avocation of ploughing the soil even during the days of acute political disturbance round about them in the country (2). Such a state of affairs could not have originated merely from the realisation by the rulers of the economic importance of cultivators. The reason for this studied and deliberate non-interference adopted by the rulers of Hindu India in regard to the cultivators must

1 History of India by E. Maraden pp. 125. 126.

2 Ancient India by E. J. Rapson. pp. 96-97.

be sought in their recognition of the inalienable proprietary right enjoyed by the cultivators over the field under their possession. The kings could never forget the fact that their rights were strictly limited to certain portion of the produce of the land and not to the land itself, by way of remuneration for the protection they afforded to the people.

Position during the Pauranic period—During this period no substantial change occurred in the land tenure system and land continued to remain a private property of the cultivator, the king's rights being limited to revenue as heretofore. Kalidas, the great poet, says :—"For the benefit of these subjects from whom it was realised even as the sun sucks up the marshes even only to return a thousand-fold." (1)

Land tenure among the Dravidians in the South—Very little information is available of the Dravidian land tenure system as the Dravidians were not so advanced in history-writing as their Aryan brethren in the North. But whatever there is goes to show that they followed more or less the same principles as the Aryans. It seems the Aryan colonists of the South not only gave the Dravidians their Aryan Civilisation of spirituality but also succeeded in impressing the latter with the superiority of the Hindu system of land tenure and in making them adopt it. Among the *Candhas*

* i. Baghyanāsa, 1. 18.

land was recognised as a common property and each or collection of families exercised the proprietary right over the land under their possession. (1) In the same way the Non-Aryan *Todas* had the proprietary right over all the land within the Plateau of Nilagiris. (2).

Conclusions—(We have seen in the foregoing pages that from the Vedic period right up to the Pauranic period, the system of land tenure in India was that of PEASANT-PROPRIETORSHIP, which means that during the whole of Hindu period the cultivator had the absolute ownership over the land he cultivated and held. There were kings, sub-kings tributary chiefs and created service and other tenure-holders; but their right was strictly limited to only a portion of the produce of the soil as remuneration for the protection they afforded to the cultivators with whom alone rested the proprietary right. In this connection we read :—“A Jagir in Indian constitutional history was the only grant similar to a benefice; but it was an assignment not of the land, but of the REVENUE to which the state was entitled (3). This testimony of Mr. Shore proves conclusively that the real proprietor of the land was the cultivator who was the hereditary proprietor under all Governments and whose rights were acknowledged as supreme by every Government. We have seen

1 Nayamala Vistara. 358. Hunter, Orissa. II. 203.

2 Nilgiri district Manual. 329-333.

3 Mr. Shore's Minute on the Rights and Privileges of Jagirdars. dated 2nd April. 1788.

in an earlier portion that the change in the Government did not affect the position of the cultivator. The conqueror had to adapt himself to prevailing practice and respect the rights and privileges of the conquered.)

The economic effect of peasant-proprietorship—

The recognition of the rights of the peasantry and the interest taken by the rulers of the day in the well-being of the ryot had a marvellous economic effect. The people were well-contented, prosperous, industrious, and happy. Agriculture was regarded as a sacred profession and the agriculturist scrupulously respected. The Vedas abound with eloquent verses eulogizing agriculture and the agriculturists, and enjoining strictly on the rulers the sacred duty of protecting the agriculturist and making him happy. There can be no doubt that these solemn injunctions were obeyed by all rulers in the Vedic period which resulted necessarily in the prosperity of the peasants.

CHAPTER II.

MUSLIM PERIOD.

Agriculture in Muslim eye.—Agriculture was regarded by the Muslims, as by the Hindus, as a very honourable occupation. This, indeed, was considered to be the best profession and the most sinless form of enterprise by the Prophet of Islam. We read in the Holy Koran : "Oh ! Ye who believes, spend what is sinless, out of the things you have earned, and out of the things I have brought forth for you from the earth"¹. The Muslim ideal of peasant-proprietorship and the regard for the cultivator entertained by the Muslim king have been well summed up in the following beautiful couplet of the poet Sadi : "The peasant is the sap-supplying root of the living and growing tree, the King. O my darling (king), the tree stands firm because of its roots. Do not afflict the peasantry ; for thereby you would lay the axe (O king) to dig out your own root"². (This shows that the peasantry in the Muslim world occupied the highest place in society and agriculture was considered to be the best profession of the day.)

¹ Holy Koran, Surat-ul-Bakar, Ruku. 36.

² Rayat chu bekhund, va sultan Darakht, Darakht aye peyar bashad az bekh sakht. Makun tatoani dele khalke resh. Wa gar mi kunai, mi kani bekhē khesh.

Muslim theory of land-tenure system.—The Muslim theory of the system of land-tenures conforms to a degree with that of the Hindus. (To a certain extent the Muslim land-law differentiates between the Muslim and non-Muslim subjects, it being lawful for the Muslim king to levy an additional tax on those who do not embrace the True Faith, i. e., Islam.) From the early times whenever a Muslim king declared a war against a non-Muslim population, the *Imam* called upon the ryot to embrace the Muslim faith, as no war was legal without such a declaration. If the inhabitants accepted the Muslim religion, they were treated like other Muslim subjects and *Ooshr* or tithe was levied on them. If they did not change their religion but became the subjects of the Muslim king, they were called upon to pay Jizyut or capitation tax and were admitted to the condition of *Zimmees*. In this second case another kind of tax known as *Khiraj* was levied on all productive lands, but was realised whether there was any produce or not. If, however, the people did not either agree to embrace the Muslim Faith or become Muslim subjects the inhabitants were dispossessed of their holdings (*Ghuneemut*) by force, and their holdings were distributed among the soldiers of the army'. India was conquered by the Muslims twice. She came under Muslim rule in the eleventh century on the invasion of Mahomed of Ghaznee and again under the Mughals on the invasion of

Babar in the sixteenth century A. D. It appears that India was considered to be a *Khiraji* country by Mohammedan writers.

Ownership of land during Muslim rule in India.—(According to Abu Haneefa, the king is not to be regarded as the proprietor of the land of the ryot, but is entitled merely to receive land-revenue.) In India also the Muslim rulers followed this principle. The imposition of the *Khiraj* does not give the king any proprietary right over the soil' / "The land of the Sowad of Irak is the property of its inhabitants. They may alienate it by sale, or dispose of it as they please; for when the *Imam* conquers a country by force of arms, if he permit the inhabitants to remain in it, imposing the *Khiraj* on their lands and the *Jizyut* on their person, the land is the property of the inhabitants, and since it is their property, it is lawful for them to sell it or dispose of it as they choose"². That this state of things continued during the Moslim rule in India may be further proved by the reproduction of certain passages from Wilks' History of Mysore in which have been quoted numerous passages from leading Muslim authors which have a bearing on the subject. In the book *Khazanatul Rewayah* it is written, "Tributary land is held in full property by its owner; and so is tithed (or decimated) land: a sale, a gift, or a charitable devise of it is lawful,

1 Galloway quoted in Baillee on sale, p. 133.

2 Galloway quoted in Baillee on sale, p. 135.

and it will be inherited like other property. Thus in the book *Mohodeyah*, in a passage quoted from *Almohit* (a work of the lawyer Mohomed), lands 'are held in full property by them, they shall inherit those lands, and shall pay the tribute out of them; and in the book *Alkhamujah* it is written, 'The sovereign has a right of property only in the tribute or rent;' so in the book *Modena Sharhi Baaz* it is written, "A town and the district annexed to it shall not be sold by the sovereign, if it pays tribute or rent to the Crown, nor shall it be given or inherited, nor shall it belong to the royal domains; for inheritance is annexed to property and he who has the tribute from the land has no property in the land: hence it is known that *(the king has no right to grant the land which pays tribute, but that he may grant the tribute arising from it.)*"

The above quotations establish the fact that according to Muslim law the cultivator was the real proprietor of the land. The Muslims in India never achieved a complete victory over the whole country and even the *Khiraj* in its true sense was never levied on the cultivators. They scrupulously followed the established practice and acknowledged the cultivator's proprietary right to the land.

(Records of actual cases of the Mughal Emperors paying for the land purchased for their own use go further to strengthen our contention about the proprietary right of the peasant.) (We learn from

Field's Landholding¹ that "Aurangzeb purchased the *parganas* of Lundi, Palan etc. in the vicinity of Delhi. Akbar purchased lands for the forts of Akbarabad and Illahbad; Shahjahan for the fort of Shah-Jahanabad; and Alamgir for the fort of Aurangabad and for mosques." This proves that land was the private property of the cultivator who tilled and possessed it.)

The rights of the land-lords and vassals during the Muslim Period.—(The *Jagirdars* or land-lords had no proprietary right to the soil whether acquired as a grant from the king by way of remuneration for service rendered or held by them as any other kind of tenure or held as estate as tributary chief, but were entitled to the receipt of the revenue in the *name of the King* under the authority delegated to them through an assignment for the specific purpose. This assignment lasted for a fixed period and holdings as *Jagirs* of these grantees remained in force as long as the assignees continued to hold the position that originally entitled them to the assignment.) It is certain that during the Mughal rule in India, 'there were no hereditary dignities in the Mughal empire'². The hereditary rulers who accepted the supremacy of the Mughal kings were generally brought in alliance as military vassals and they were granted certain *Jagirs*, out of the income accruing from which they were to maintain their army. The *Mansabdars*, as these vassals were called,

1 Field's Landholding. p. 741, Footnote (1).

2 Ibid, P. 742.

enjoyed merely the right to realise the land-tax and the proprietary right to the soil never devolved on them. These allotments increased or diminished in size according to the importance or the influence of the person. The hereditary *Jagir*, *Wattan*, of the *Mansabdar*, however, was regarded as a permanent *Jagir*. Thus the *wattan* or permanent principality of the rulers of Jaipur State was very small, but they held very considerable assignments because of the important positions held by the rulers of this State successively from the time of Raja Biharimal to Maharaja Sawai Jaisingh II. Mr Wills describes the position in the following words :—"Indeed, from the time of Akbar to the death of Aurangzeb, the outstanding local territorial feature—a consequence, of course, of close Mughal control—was the small size of the patrimony, or *Wattan* of Amber. This is plainly to be inferred, from the details in the *Ain-i-Akbari*, in which the cultivated area of Amber is shown as 1,135,000 bighas only, or about 1,100 square miles (taking the bighas as five-eighths of an acre), so that the total area of the *Makal*, including both cultivated and uncultivated area, was probably no more than from 2,000 to 3,000 square miles, as compared with an area of 16,692 square miles, included in the Jaipur State at the present time.

* * * *

"The rest of the territory now included in Jaipur was, at this time, mostly held in *Jagir* or assignment. Such *Jagirs* or assignments were, in the seventeenth century, characteristic of the

Mughal administration of the land. Instead of paying cash to its employees, 'the State provided for future pecuniary claims by assigning to the claimant the *King's share of the produce* of a specified area, the assignment carrying with it the grant of executive authority sufficient, at any rate, to enable the assignee to assess and collect the amount due. This institution is the most prominent feature of the Muslim agrarian system. The area might be an entire province or a single village; the claim to be satisfied might represent the cost of maintaining troops or salaries for military service, and in normal times the bulk of the State's claim was assigned in this way'. The peculiarities in the system which is important for our purpose is that, though an employee's sanctioned salary might remain unchanged, it was improbable that he would retain the same area as *Jagir*, in lieu of that salary, for any length of time. When he was transferred from one post to another his *Jagir* would be changed; and, even, without such a transfer, the assignment would frequently be shifted. Assignees in any particular area were rearranged every two or three years, perhaps oftener. The effect of this system of short shifting assignment upon the position of the Kachawah chiefs of Amber can easily be understood. Their family had, ever since the time of Raja Biharimal, been holding high position under the Mughal Emperors, for which, like every one else,

1. Moreland, pp. 9-10.

they were remunerated by assignment but their *Jagir* had no permanence, except in that portion which formed their patrimony or *Wattan*. For example, in 1060 A. H. (1650 A. D.) Mirza Raja Jaisingh held *Jagir* worth 820 lakhs of *Dams* in the following parganas:—Amber, Chatsu, Phagi Mauzabad, Jhag, Bahrana, Pachwars, Khor, Deoli, Sanchari, Bharkol, Jalalpur, Umran, Sakras, Bawal and Jatkaleva. In 1099 A. H. (1690 A. D.) his descendant, Raja Bishansingh, held possession only of Amber, Baswa, Phagi, Niwal and Sosner."¹ This shows that *Jagirdars*, i.e., holders of tenure from the Crown in any form, were entitled only to recover the land-revenue on the strength of the *Sanad* or letter of authority granted by the Crown, but had no right to the land over which they held their sway.

Further light on Muslim agrarian policy.—Sher-Shah was the first Muslim ruler who took measures for reforming the land system of the country. The following account of the reforms carried out by Sher-Shah may be found interesting: ("Sher-Shah ordered an accurate survey of all land in the Empire. The land was measured at harvest time and the State demand was fixed at one-fourth of the expected produce. It was payable in cash or kind. The revenue was realised by the *muqadams* who were given a share of the produce, but the

¹ A report on the Land-tenure and special powers of certain *Thikanedars* of the Jaipur State, by Mr. C. U. Wills, C. I. E. I. C. S. (Retd.), pp. 8, 9, 10.

ryots were sometimes allowed to pay to the treasury direct. Sher-Shah took very great care to protect the interests of the cultivators. The Revenue officers were asked to be lenient at the time of assessment but they were to show no mercy at the time of collection. When, however, there was drougth or any other unforeseen calamity, advances were made to the cultivators to relieve their distress.)

(“Sher-Shah treated his soldiers with kindness and supplied those who were poor with arms and horses. But his discipline was very severe. They were, during their marches, particularly enjoined not to do any injury to the crops of the cultivators. If the crops of any cultivator were destroyed he was recompensed by the State for his loss and the wrong-doers were severely punished. When the king accompanied the army he used to look to the right and left and if he saw any man injuring the crops he cut off his ears with his own hands, and hanging the corn round his neck, ordered him to be paraded in the camp. Even when the crops were damaged owing to the narrowness of the road he sent his officers to estimate the value of the crop so damaged and gave compensation in money.”¹)

(Raja Todarmal, the Revenue and Finance Minister of Akbar the Great, carried out extensive reforms in the system of land revenue.) We read in the *Ain-i-Akbari*: “His Majesty devised a remedy

¹ History of Medieval India by Mr. Ishwariprasad.

for these evils and in the discernment of world-adoring mind fixed a settlement for ten years ; the people were thus made contented and their gratitude was abundantly manifested. From the beginning of the 15th year of the Divine Era (1570—71 A. D.) to the 24th (1579—80 A. D.) an aggregate of the rates of collection was formed and a tenth of the total was fixed as the annual assessment ; but from the 20th (1575—76) to the 24th year the collections were accurately determined and the five former ones accepted on the authority of persons of probity.”¹

“ The Government of Akbar issued comprehensive instructions to the *Amilguzar* (Collector of the Royal Revenues) and a graphic account of this is found in the *Ain-i-Akbari*. This throws light of very valuable nature on the methods of Akbar and gives an idea of the care the Government took for the interest of the ryot. No apology is needed to reproduce it here : “ Let him not be covetous of receiving money only, but likewise take grain. The manner of receiving grain is after four ways. First,—*kunkut* ; Second—*buttai* ; which is also called *bhaoli* ! Third—*khet-buttai* ; Fourth—*lang-buttai*. Whenever it will not be oppressive to the subject, let the value of the grain be taken in ready money at the market price. If an husbandman sows his land with the best kinds of grain let there be remitted the first year a fourth part of the rate for *pulej* land. If upon making the measurement, the kinds of grain appear to be

¹ *Ain-i-Akbari* pp. 15 and 88.

better, although the quantity of land be less than was agreed for, the *Amil* shall not express any displeasure; and in every instance he must endeavour to *act to the satisfaction of the husbandman*. Whenever there is a plentiful harvest, let him collect the full amount of revenue and not leave any balances to be realized from future crops. If any one does not cultivate *Kheraji* land, but keeps it for pasturage, let there be taken yearly, for a buffalo, six dams, and for an ox, three dams; but calves shall be permitted to graze without paying any duty. For every plough there shall be allowed four oxen, two cows and one buffalo, from whom likewise no duty shall be taken for pasturage.”¹

(This shows that the Muslim Government adapted itself to the old established law of the Hindus, in the matter of land system. *Kheraj* was of two kinds, viz., (1) *mukasimah*, payable out of the actual produce only, and (2) *wuzifa*, payable whether there was any produce or not. We have seen that Akbar who was the greatest Muslim ruler, did not charge on the basis of the second principle applicable to conquered lands but adopted the old Hindu system of charging the tax only when there was a crop; otherwise, only grazing tax was charged. This shows that the edict of Manu reading “Where there is ownership of the conquered in houses, lands, money or the like, therein only arises the ownership of the conqueror;” but where the conquered

1. Ain-i-Akbari. Vol., 1, p. 347. See also Field's Landholding.

has a right to taking taxes (only), the conqueror has even the same, and no ownership",¹ was adopted by the Muslim Government.

Situation after the death of Akbar.—The system of direct assessment introduced by Akbar under the advice of his able Minister, Raja Todarmal, though continuing to operate till the British took possession of India,² was soon superseded by other forms of realisation of land-revenue from the husbandmen after the death of Akbar. (The system of assignment, as we have seen in the preceding paragraphs, was a characteristic form of payment for the services of the employees of the Mughal Government, and this system created tenure-holders of dozens of kinds; but in course of time, these assignments became unremunerative and either through the weakening of the powers of the Central Government or in order to get an assured income from this source of revenue of the State, the various districts or *parganas* were leased or farmed out to middlemen after the middle of the seventeenth century.) "Assignments, taken as a whole, had become unremunerative and naturally unpopular..... Assignees (*Jagirdars*) had lost the leading position they occupied in the middle of the 17th century. Meanwhile, other classes of intermediaries had increased in importance. The decay of the central administration had necessarily strengthened the Chiefs..... Farmers also (i. e.,

1. Vya, May, 34., (Mandik's Edition)

2. Mr. Shore's Minute of 2nd April, 1788.

Ijardars or contractors of revenue) had similar opportunities which were increased by prolongation of the terms for which farms (*Ijaras*) were given..... The tradition of short-term farms and frequent changes had, by now, given way. Farms were commonly retained for life and might, in favourable conditions, be renewed to the heir, so that in English eyes they seemed to be hereditary tenures; at any rate, it is reasonable to say that such farmers were on the way to becoming chiefs or, possibly, even kings, on the assumption of the continuance of the period of anarchy. On the other hand, the chiefs who, though they may have had centuries of history behind them, had all along been in the position of farmers in the strictly fiscal sense, were now as eager as the new men to extend their dependencies, and we find cases where titular *Rajas* had taken large farms in addition to their traditional areas." 1)

Result of the system of farming. (The economic result of farming was injurious not only to the ryot, but also to the Government. These land-revenue contractors (farmers or *Ijardars*) who had no hereditary connections with the peasant-proprietors and naturally no attachment or sympathy for them, were rapaciously exacting in their demand for the land-revenue because:•

- (1) Their contract was obtained from the Crown for a limited period:•

1. The Agrarian System of Moslem India by Mr. W. H. Moreland I. C. S. (Retd).

- (2) They had to pay a fixed amount to the Government of the day which was high in itself because of competition between these *Ijardars* as a result of bidding for the same division or *pargana*; and
- (3) they wanted to make a substantial gain on their venture.)

(It was during this period that the ryot began to be oppressed in a most ruthless manner and illegal *Abwabs* or *cesses* began to be invented and imposed.) In this connection Justice Field says: "The source of real oppression are the secret *Abwabs*, or unavowed taxes, which the great farmer or Zamindar imposes at will on the ryots, and of which we have such cruel examples in the investigation at Rangpur."¹ (The effect of the levy of *Abwabs* was most harmful to the ryot of the country. Justice Field says: "It is clear, however, that the farmer or Zamindar, in order to pay the full percentage of increase to Government, must take something more from the cultivators in order to cover the expenses of collection. (The element of uncertainty thus introduced was abused for the purpose of exaction; and the ryots had to pay directly the increase which the Government required, and indirectly all that the farmer or Zamindar exacted under cover of the Government demand) Where the proportion or percentage was not defined, the levy of the impost was at the discretion of the Zamindars or farmers;) and in many cases,

1. Field's Landholding, pp. 447-48.

though intended to have a merely partial operation, was extended to situations in which Government had no intention of claiming it.....during the decay of the Mughal Power, when the Governors of Provinces and Districts were practically independent, and thus able to practise oppression and extortion on their own account, and without restraint or check, the only limit to exaction was the ability of the cultivators to give what was demanded of them".¹

We further read: "The *Nazims* exacted what they could from the Zamindars and great farmers of the revenue whom they left at liberty to plunder all below, reserving to themselves the prerogative of plundering them in their turn, when they were supposed to have enriched themselves with the spoils of the country".² "The truth cannot be doubted that the poor and industrious tenant is taxed by his Zamindar for every extravagance that avarice, ambition, pride, vanity or intemperance may lead him into, over and above what is generally deemed the established rent of his lands. If he is to be married or a child is born to or honours conferred on him, or when he indulges in luxury or even when *Nazaranas* or fines are exacted from him for his own misconduct, the ryot must find the money for him. And what heightens the

1. Field's Landholding, pp. 447-48.

2. Letter of the President and Council of Fort William dated the 3rd Nov. 1772.

distressful scene, the more opulent, who can better obtain redress for imposition, escape, while the weaker are obliged to submit. ¹

A partial list of the illegal *Abwabs* or cesses most of which are current even up to this day under the zamindari tracts of the country, is given in *Appendix A* to show the unauthorised and illegal exaction by the Zamindar from the ryot which came to be the practice in India in the train of the farming system introduced after the weakening of the Mughal power. This system was, therefore, responsible for the worst type of oppression ever known in the history of India. On account of such illegal and oppressive exaction the ryot became abject and poor and in time to come was reduced to the position of starvation which condition operates up to this day.

Rights of the farmers.—The *Jagirdars* or farmers excluding, of course, the hereditary chiefs, were brought into existence during the Mughal period. They were the land-revenue contractors and were never proprietors of the soil over which they exercised their control merely for realising the land-revenue. It must be carefully borne in mind that what was assigned in all these cases *was not the land itself, but the right to collect the Government revenue*) Misunderstanding of this point has led some to suppose that these grantees were originally landed

¹ Instructions to British supervisors by the President and Select Committee, dated the 17th August 1769.

proprietors. Many of the persons to whom these assignments were made, more especially the ministers, the great officers of the household and personal attendants of the prince, did not or could not leave the person of Sovereign to reside upon their grants and themselves engage in the business of collecting the revenue; and so it became usual to make over this business to some one, who undertook to perform it for a commission on the collections. More commonly the arrangement was one known as *Mustajiri*, or farming under which the farmer agreed to pay a certain sum, all that he could exact from the cultivator over and above this sum being his own profit upon the transaction. That portion of the royal domain which was not the subject of assignment came to be farmed in the same way: and, as the stock of precious metals increased and money came more regularly into use, this system of farming the public revenue became very usual, the farmer collecting in kind and making the conversion into specie for transmission to the Government treasury,—an additional source of profit. Successful farmers, who could contrive to make themselves useful to the Government, were seldom disturbed in their charges; and, as was the propensity with all things in India, their position became in many instances hereditary: and here was another source of a class standing between the Sovereign and the cultivators. The mere fact that the *Ijara* or farm of the father was held by the son,

1. Field's Landholding, pp. 428-29

did not, however, give the *Jagirdar* or the farmer, the proprietary right over the land over which he was originally given the right of collection of Government revenue. It is far from the truth that these *Ijardars* or *Jgirdars* were ever acknowledged as proprietors of the *Thikanas* or *Mahals* under their charge. These *Ijardars* (farmers) were generally granted a *Sanad* by the Crown for a specific period for which the contract was to run and in any case the succession of the son was never acknowledged till the Government acknowledged the son to be the possessor of the particular *Jagir* either on the same terms as with his father or on certain modified conditions. The Paramount Power granted a fresh *Sanad* to the heir of the deceased and charged a certain amount from the new farmer. On the demise of the fief-holder or *Jagirdar* or farmer, the lands immediately reverted to the Crown *Khalsa* and the procedure was something like the following :

“On the demise of a chief, the prince immediately sends a party, termed the *Zubti* (sequestrator), consisting of a civil officer and a few soldiers, who take possession of the estate in the prince's name. The heir sends his prayer to court to be installed in the property, offering the proper relief. This paid, the chief is invited to repair to the presence, when he performs homage, and makes protestations of service and fealty. He revives a *Fresh Grant*, and the inauguration terminates by the prince girding him with a sword in the old form of chivalry.’ During

the rule of the Mughals this practice was observed by the Chiefs of bigger States like Jaipur, Jodhpur, Bundi and Bikaner who obtained their privileges from the Mughal Kings while smaller *Jagirdars* and farmers obtained the same from the subordinate chiefs and the officers of the Crown. This practice is still in force in almost all the Indian States of Rajputana and the ceremony called *Matmi* or *Kharag-bandhai* is a sign of the recognition of the heir to his father's estate. This goes to prove that the *Jagirs* whether granted in assignment or by way of farms, were automatically resumed after the death of the holder and were renewed to the heir or withheld at the pleasure of the higher power. It means that the *Jagirdar* whether holding a *Jagir* in lieu of some service or as a reward or for his military expenses or by way of remuneration for civil service or as a farmer, was not a proprietor of the land he held and was never acknowledged as such during the Muslim period. He was merely a land-revenue contractor and *Ijardar* and nothing more.

Peasant proprietorship an accepted fact. (The legal rights of the peasantry inspite of all these multiplications, changes, additions and alterations were never affected during the Muslim period and they remained, as heretofore, the real proprietors of the land they tilled and possessed.) Kings like Sher-Shah and Akbar accepted the rights of the peasantry as we have shown in the preceding paragraphs and these noble kings took measures

to ameliorate the condition of these real proprietors of the land. Even after these kings the cultivator remained the owner of the land, though he was oppressed due to his weakness and the weakness of the central Government and the greed and unscrupulousness of the officers and *Jagirdars*.

Ruinous effect of the farming system.—The condition of the ryot remained good as long as the king or the ruler acknowledged his rights, treated him well and took care and steps for his well-being. But no sooner the farming system was introduced as a result of assignments and crown land farming than the ryot began to be exploited and his economic condition began to worsen. The continuous oppression for centuries brought him down to the condition of starvation. The condition of the ryot was simply deplorable when the British took possession of India. This was due to the neglect of their rights and unlawful usurpation of the proprietary rights of the peasantry by the middlemen (*Ijardars* or *Jagirdars* who were originally the land-revenue contractors) who became or tried to become independent taking advantage of the anarchy that followed the decay of the Mughal Power in India.

How petty officers and farmers became *Jagirdars* is made clear from the following passage in Field's Landholding: "He (Murshid Kulikhan) divided the *Subah* (Bengal) into thirteen *Chaklas*, over each of which he placed a collector. Many of these collectors subsequently developed into

Zamindars. The former Zamindars were put by in close confinement in which many of them were detained during the whole of his tenure of office, while his Bengali *Amils* collected the revenue. His exclusive employment of Hindus to some extent accounts for the fact that, when we obtained the *Diwani* we found all the Zamindars to be Hindus, though the Government was Moham-medan". These men in power, the Zamindars, played their own game during this period of anarchy: the peasants were exploited and their rights trampled upon by them with the inevitable result of the economic impoverishment of the ryots.

CHAPTER III.

MUSLIM PERIOD (*Continued.*)

CONDITION IN HINDU STATES.

The position in the Deccan.—It has been shown in the first chapter that the proprietary right of the peasants over the land was an uncontested fact during the Hindu period. We have also shown that the land system remained substantially the same during the Mohamedan period as well and that the peasant under the Muslim Government continued to be the proprietor of the soil he tilled. But the question may be asked: what was the position in those territories which could not be conquered by the Muslim rulers and over which independent Hindu princes continued to rule as also in those States which acknowledged the sovereignty of the *Badsaha* of Delhi but retained internal autonomy of administration? Investigation shows that no change occurred in the land system of these territories also and that the old Hindu system of peasant proprietorship continued to prevail in these tracts in the same way as in the rest of India under the direct rule of the Muslim monarchs. In the fourteenth century Deccan land-revenue continued to be assessed in terms of a fraction of the total produce as in the old days. We read in the *History of India* by E. Marsden that in the

South "the land-tax was one-sixth of the produce of the land, and for water supplied by the State a water cess was charged to the ryot." ¹ "It has been calculated that Hurihar got only ten per cent of the produce."² This state of affair remained in the Canara district till 1763 when it was subdued by Hyderali.³

The position in the independent kingdom of Mewar.—The ryot (cultivator) was the proprietor of the soil in Mewar. He compared his right therein to the *Akhye dhooba** which no vicissitudes can destroy. He called the land his *Bapota*, the most emphatic, the most ancient, the most cherished and the most significant phrase his language commands for *Patrimonial inheritance*. He had Nature and Manu in support of his claim; he could quote the text, binding alike on the prince and the peasant, that "cultivated land is the property of him who cut away the wood or who cleared and tilled it."⁴ This is an ordinance which is binding on the whole Hindu race, and which no war, or conquest, could overturn. It is in accordance with this principle that the ancient adage, not of Mewar only but of all

1. History of India by E. Marsden, P. 298.

2. See II fifth report, P. 470.

3. Ibid.

* The *dhooba* grass flourishes in all seasons, and most in the intense heat; it is not only *amara* or 'immortal,' but *Akhye*, 'not to be eradicated'. This name has been given to it probably because its roots stick very fast to the ground.

4. Manu, IX, 44.

Rajputana, runs that *Bhog ra dhanni raj ho: bhom ra dhanni ma cho*: 'the Government is the owner of the rent (it is miscalled 'rent'; it is, in fact, a land-tax levied for the protection given to the ryot by the king), but I am the master of the land.' It is significant that according to the injunctions of Manu, the conqueror is commanded to respect the deities adored by the conquered, also their virtuous priests and to *establish the laws of the conquered nation as declared in their books*.

But to return to the freehold ryot of Mewar whose *Bapota* is the *Wuttan* or the *Meeras* of the peninsula. These words are of foreign origin introduced by the Mohamedan conquerors; the first (Persian) is of more general use in Candeish, the other (Arabic) in the Carnatic. Thus the great Persian poet, Sadi, exemplifies its application: "If you desire to succeed to your father's inheritance (*Meeras*), first obtain his wisdom".

The Emperors of Delhi, in the zenith of their power, bestowed the epithet 'Zamindar' upon the Hindu tributary kings not out of any particular motive but simply in course of the application of their own vocabulary to the age-old Hindu expression, *Bhomiaraaj*. This name in itself affords additional evidence in support of the proprietary right resting with the cultivator (ryot). It shows that he alone can confer the freehold land which gives the title of *Bhomiad* and of which both past history and present usage will furnish us with

examples. According to Tod tenure of land obtained from the cultivator was regarded as more valid than a grant from the sovereign. It will be seen that this practice provides a conclusive proof of the proprietary right being vested in the ryot. What, asks Tod, should induce a chieftain, when induced into a perpetual fief, to establish through the ryot a right *to a few acres in bhom* but the knowledge that although the vicissitudes of fortune or of favour may deprive him of his aggregate signiorial rights, his claims, derived from the spontaneous favours of the commune, can never be set aside; and that when he ceases to be the lord he becomes a member of the commonwealth merging his title of *Thakur* or 'Signior', into the more humble one of *Bhomia*?

In the great register of patents (*patta bahye*) of Mewar we find references to the types of *Bhom* held by the greater vassals on particular crown lands; whether this originated from inability of ceding entire townships to complete the estate to the rank of the incumbent or whether it was merely in confirmation of the grant of the commune, could not be ascertained. The benefit which the *Bhomia* derived from this *Bhom* was two-fold. Firstly, he gained certain pecuniary advantages and secondly, the title *Bhom-rekwali* which means land (in return for) preservation of the rights and privileges of the ryots. Strange to say, the Crown itself holds *Bhom-rekwali* on its own fiscal demsesnes, consisting of small portions in each village, to the

amount of ten thousand rupees in a district of thirty or forty townships.

Tod goes on to say that in those districts which afforded protection from innovation the proprietary right of the ryot was found in full force ; of this the populous and extensive district of Jehajpur, consisting of one hundred and six townships, afforded a good specimen. There were but two pieces of land throughout the whole of this tract which were the property of the Crown and these were obtained by force during the occupancy of Zalimsingh of Kotah. The injustice of this acquisition must have pricked the conscience of the Rana's civil governor and he was on the point of repairing the wrong by sale and reversion when the court interfered to maintain proprietary right of the Crown to the tanks of Lohario and Etounda, and the lands which they irrigated as the *Bhom* of the Rana. This will serve as an illustration of how *Bhom* might have been acquired and the annals of Kotah will exhibit, unhappily for the ryots of that country, the almost total annihilation of their rights by the same summary process which originally attached Lohario to the fisc.

The power of alienation being thus proved, Tod concludes, it will be superfluous to insist further on the proprietary right of the cultivator over the soil.

In course of his elaboration of this point Tod goes on to say that besides the right to alienate

as demonstrated, all the overt symbols which mark proprietary right in other countries, were to be found to exist in Mewar. The ryot there could transfer his entire holding or temporarily part with it by mortgaging it to others. Numerous instances of such mortgage having been effected are available in records. The fertile lands of Horlah, along the banks of the Khary, were almost all mortgaged and the registers of these transactions form two considerable volumes in which great variety of deeds may be discovered: one extended for one hundred and one years when redemption was to follow, without regard to interest on the one hand and the benefits of the land on the other, but merely by the repayment of the sum borrowed. To maintain the interest during abeyance, it was generally stipulated in such cases that a certain portion of the harvest should be reserved for the mortgagee — a fourth, a fifth, or *Googri*,— a share so small as to be valued only as a mark of recognition for the proprietary right. The mortgagees were chiefly of the commercial classes of the large frontier towns; in many cases the proprietor continued to cultivate for another the lands his ancestor had mortgaged four or five generations ago, without considering his rights to have at all been impaired in any way. No length of time or absence could affect the claim to the *Bapota*, and, according to Manu, the right of absentees was regarded as sacred. Indeed, so sacred was considered this right that Manu

ordained it in clear language that "unless there be an especial agreement between the owner of the land and the owner of the seed, the fruits belong clearly to the owner." Manu further says that even "if seed conveyed by water or by wind should germinate, the plant belongs to the owner *the mere sower* takes not the fruit".¹ Tod also says that even crime and the extreme sentence of the law on a charge even of treason. will not alter succession to property, either to the military or cultivating vassal. We speak of the military vassals—the cultivator cannot aspire to so dignified a crime as treason".² It is clear from the above that in a Hindu kingdom which did not come under the sovereignty of the Muslim Kings of Delhi the system of farming was unknown and the old practice of peasant proprietorship continued to hold good with the result that there never occurred any agrarian trouble in Udaipur State for centuries.

The land-tax in Udaipur was assessed at one-third to two-fifths but in no case more than one-half of the net produce. The increased assessment of land revenue at the high level of one-half was seldom resorted to and if the Law of Manu was thus, violated it was done as a temporary device to defray the expenses of war in which Mewar had continuously to be engaged for centuries. The *Khur-lakur* or the war-tax, however, was willingly

1. Manu, 52-54 on the Servile classes.

2. Tod's *Rajasthan*, 511-517. •

paid by the loyal husbandmen of Mewar out of spontaneous patriotic feeling.

Economic condition of the ryot of Mewar.—The economic condition of the ryot of Mewar remained exceedingly good till the time of Maharana Udaisingh, but the successive raids of Akbar and his successors during the time of Maharana Pratapsingh and his successors as also the ravages of Mahrattas and Pindaris reduced the prosperous country of Mewar to a homeless desert. The present prosperity of the peasants of Mewar, however, owes its origin to the good offices of the British Government.

The position in the State of Bundi.—As in Mewar, so also in Bundi State, the old Hindu system of peasant proprietorship was upheld by the Maharajas. Tod says that throughout the Bundi territory where no regent ever took it into his head to make innovation in the established laws of inheritance, by far the greater part of the land, was the absolute property of the cultivating ryot who could sell or mortgage it as he chose. Indeed, in Bundi so clearly did the law recognise this right of the ryot that when through pecuniary wants or otherwise he could not cultivate his land he could let it out to others and lawfully receive from the lessee products to the extent of *four annas per bigha* of irrigated land and *two annas for gorma* i. e. land that depends on the whims of the weather-god. Even if he happened to be an

exile from his country for whatever reason, he could assign his share to trustees who were bound by law and custom to reserve on his account *two seers for every maund of produce* which was emphatically termed *haq bapota ka bhom*, the dues of the patrimonial soil.¹ No more convincing evidence of the inviolability of the right of the tenant can, perhaps, be cited.

The position in Kotah State.—In this Hindu estate as well the peasant was regarded as the proprietor of the soil till the assumption of power as regent of Kotah by the crafty Zhala Zalimsingh. This tyrant who was otherwise a very capable administrator and politician of the day, changed the whole system of rural economy of the Kotah State. He introduced the system of farming which, though beneficial to the State treasury, crippled the ryot under heavy extortions from the farmers. The regent changed the old system and appointed *patels* who were the most vicious persons ever known. It has been said about them that “the Council of Venice was not more arbitrary than the *Patel Board* of Kotah; even the Ministers saw the sword suspended over their heads while they were hated as much as feared by all but the individual who recognised their utility.”

The regent (Zalimsingh) soon discovered that the procedure adopted by him was wrong and that it led to the greatest oppression of the ryot. He

1. Tod's Rajasthan, P. 1403, foot note.

accordingly confiscated the loot money of nearly all the *patels*, abolished the *pateli* system and gradually returned to the ancient system of *Haraoti*. This ancient system is called *buttai* or payment of the land revenue in kind to the king. The regent illegally confiscated the lands of the ryot to which he had no title. "The fields which had descended from father to son through the lapse of ages, the inalienable right of the peasant, were seized, inspite of law, custom or tradition, on every defalcation; and it is even affirmed that he sought pretexts to obtain such lands as from their contiguity or fertility he coveted and that hundreds were thus deprived of their inheritance. In vain we look for the peaceful hamlets which once studded *Haraoti*: we discern instead the *orie*, or farm-house of the regent which would be beautiful were it not erected on the property of the subject; but when we enquire the ratio which the cultivators bear to the cultivation and the means of enjoyment this artificial system has left them and find that the once independent proprietor who claimed a sacred right of inheritance, now ploughs like a serf the fields formerly his own, all our perceptions of moral justice are shocked."¹ Inspite, however, of the *zoolam* (tyranny) of Zalimsingh the old system of peasant proprietorship continued in a part of the Kotah State.

Economic condition of the ryot.—The economic condition of the ryot of the Kotah State was

1. Tod's Rajasthan, P. 1403.

thus far from satisfactory and the deplorable condition of the tenants was due to the exactions by *Patels*, the exactions by the sovereign or the regent and finally, their forcible dispossession from their hereditary estates followed by compulsion to work as labourers or serfs on the farming estates of the regent. The economic condition of the peasants of Bundi where such acts of high-handedness were unknown, was much better than that of the peasants in Kotah State.

The position in the State of Jaipur.—This is one of the oldest Hindu States in Rājputana and was next in importance to Udaipur or Mewar. The present State of Jaipur was established in 967 A. D. by Dhola Rae. The original inhabitants of these tracts were Meenas, Jats and Bhils. They were the original proprietors of the soil of Dhoondar,—the State that now passes by the name of Jaipur. They were left in possession of the land when the Kachawah kings occupied the territory. They enjoyed proprietary rights according to Hindu law and usage until the Jaipur rulers came in close contact with Mughals and borrowed from them their system of collection of the land-revenue.

Raja Bhagwandas was the first ruler of Jaipur to enter into an alliance with the Mughal Kings and his adopted son, the celebrated Maharaja Mansingh, was the greatest general of Akbar the Great. As usual with the Mughal Court, Maharaja Mansinghji obtained large assignments of territories

for meeting the expenses of his contingent which he led on behalf of the Mughal Emperor to various fields. The rulers of Jaipur were always attached to Mughal courts or were engaged in one pursuit or another on behalf of the Mughal Emperor and as such their own principality was left in the care of their ministers. The assignments which they received from the Mughal kings, were in turn farmed out to the highest bidder.

The present *Ijardars* or *Jagirdars*, with a few exceptions, to whom *jagirs* were granted as service tenures, are the descendants of the original farmers or land-revenue contractors of Jaipur Durbar. Mr. C. U. Wills, I. C. S., (Retd.) has proved in his recent report that all the Shekhawati Chiefs who used to call themselves *Mamlaguzars* or tributaries of Jaipur State, were identical with the farmers to whom plots of land or estates were granted by the rulers of Jaipur in *Ijara* or contract and who were allowed to realise land-revenue from the peasant-proprietors on behalf of the Jaipur Government. These *Ijardars*, due to the weakness of the Jaipur Government after the death of Maharaja Sawai Jaisingh II assumed independent position and taking advantage of the anarchy, that followed the decay of the Mughal power and the local intrigues, became hereditary *Ijardars* now miscalled *Jagirdars*. They, in their greed, overlooked the rights of the ryot and began to treat the hereditary peasant-proprietors as tenants-at-will in total disregard of the laws of the Jaipur Govern-

ment and the injunctions of Manu as well as the usage of Rajwara. The farming system is responsible for the gradual usurpation of the birth-rights of the peasants of Jaipur State.

Other defects of the farming system.—Besides leading to the usurpation of the rights of the original proprietors of the land, *viz*, the Jat, Mina and other cultivators, the *Ijara* system has been responsible for the great pecuniary loss to the Jaipur State. The *Ijardar* or *Mamlaguzar* of a particular area, for instance, has an income of, say, Rs. 10,00,000 -, but he pays as *mamla* a sum of only Rs. 50,000/- the State of Jaipur being thus put to a recurring gross loss of Rs. 9,50,000/- annually. Describing the working of this farming system Tod says that it is detrimental to the interests of both the State and the cultivating classes, because it eventually leads to the impoverishment of both. However, according to the practice that prevailed in Jaipur during the Muslim period the farmer-general or the *Jagirdars*, after receiving the grants from the rulers, would underlet their territories in *tappas* or subdivisions the holders of which, again, would parcel them out into single villages or even fractions of a village and then sublet them to others. A complex bureaucracy would thus be created consisting of a host of officers of all ranks and the poor *bhoomias* and ryots would be called upon to pay for this parasitic army. Oppression would not stop even at this. Sometimes, paying ten or twenty thousand rupees

to the *Jagirdar* some new man would have the old tenant's land settled with him and would take possession of it just when the crops would be ready for harvest. As against such usurpation there was no remedy other than making violent demonstration at the door of the palace and getting arrested and fined for that.¹

• It is a very happy sign that this pernicious system of farming has at present disappeared from *Khalsa* lands of the Jaipur State. There has now been introduced a well-regulated revenue system, thanks to the organisation brought into existence by the British Officers like the Right Hon'ble Sir R. I. R. Glancy, the Hon'ble Sir Leonard W. Reynolds, the Hon'ble Sir B. J. Glancy and the Hon'ble Colonel Oglievie. But the condition under the *Jagirdars* who are the descendants of the original land-revenue contractors, is still chaotic. Besides the land-tax, dozens of illegal and unjustifiable cesses are realised from the peasants in these territories which are not sanctioned by Hindu or Muslim law, and which have been prohibited by the Government in British India.

It will not be out of place to mention here the reforms effected by Captain A. W. T. Webb I. A., Senior Officer, Sikar (a feudatory estate of Jaipur). Before the arrival of Captain Webb, i. e. till June, 1934, the revenue system was what is locally called *bighori* and each year the lands.

1. Tod's *Rajasthan*, pp. 1088-89.

used to be let out to the highest bidders. In other words, it was a restricted form of *lati* or farming, tax being realized in cash instead of in kind. The Revenue Officer was more or less an illiterate person and cases of corruption, defalcation, theft, double realization of land-revenue in many cases, unauthorized and illegal exactions by the *latharas* (petty revenue collection officials) and other revenue officers were of common occurrence. There was no Revenue Code, no Standing Orders (*Hidayat-i-amli*) and the Department was run in a most despotic and oppressive manner. The land-revenue was assessed at -/12/- per bigha on an average which was exorbitantly high for a semi-desert tract like Sikar. Besides the land-tax, there were other unauthorised and oppressive additional taxes which were ruthlessly realised from the peasants.

The following is a list of such unauthorised taxes :—

- (1) Some 30 other cesses;
- (2) House-tax on cultivators (*Dhuanbach*);
- (3) Internal customs on Ghee, Tobacco and Onions (*Jagat* or *Radhari*).

By abolishing these oppressive taxes Captain Webb has done a service of the greatest importance to 1,51,523 peasants of Sikar and his good name will go down in the history of modern Sikar as a benefactor of the ryot. He has abolished all the unauthorized and oppressive cesses and has reduced

the land-tax. He has introduced a graduated scale of revenue demand from two annas to twelve annas thus giving an average of seven annas per bigha. He has granted remissions of land-tax in 40 villages where the settlement data were available and further reduction and adjustment is expected immediately the settlement results of other villages are published. In many parts of Sikar the assessment is now regarded as just. He has thoroughly reorganised the Revenue Department, placed it under the direct supervision of a capable and experienced retired Revenue Officer of the Punjab Civil Service, and has reshuffled the entire revenue staff including the *Tehsildars*, replacing them by the most qualified and respectable persons. All arrears of land-revenue amounting to over Rs. 1,00,000 (four lacs) have been written off and every cultivator has been allowed to restart with a clean slate.

The position, however, has not yet become satisfactory. Captain Webb has no doubt succeeded in completely reorganising the *Khalsa* tracts of the *Thikana*, but much remains to be done in the non-*Khalsa* area. Sikar has only 47 per cent of the entire area under the *Khalsa* system while the remaining 53 per cent are under sub-*Jagirdars*, *Kabiledars*, *Sirkatidars*, *Rekhwalidars* and others. Some of the lands of this latter class are *Udak* or charity grants occupied by *Charanas* (Bards) and *Brahmanas*; some are military service grants to qaimkhani Musalmans and Pathans. Some lands are held by civil officers, clerks, etc.

as Civil Service grants while still others are held by *Darogahs* (cross-breed offsprings), *Dhabais* (foster-brothers), *Neogis* (barbers), *Chobdars* (sentries), *Khawaswals* (illegitimate issues from the royal blood), *Farrashes* (peons) and other menials as inferior service grants. The position of the cultivators under these created landlords is undoubtedly still precarious. The revenue system in the majority of the non-*Khalsa* lands is *Banta* or *Battai*, and under this system 50 per cent of the gross produce of the field along with the same proportion of other natural produce of the land, is realized as revenue. In addition to this there are a number of highly oppressive and vexatious cesses not sanctioned by any law, old or new. Captain Webb has marched ahead with the question of easing the situation in these non-*Khalsa* tracts also; but the matter is so complicated that it will take some time. We think that the most effective way to deal with the problem is to convert these land grants into *cash payment* grants and administration of these alienated lands taken under central revenue administration.

The cultivators, as elsewhere in other *Thikanas* of Shekhawati, are classed as tenants-at-will and the landlord is vested with the self-acquired rights of eviction without assigning any reason to the holder. This problem has been most tactfully and sympathetically dealt with by the noble-hearted Captain Webb and we hope that with the completion of the settlement the cultivators will be given

their lost hereditary right of possession of the land so long as they pay the land-tax fixed at the time of each revisionary settlement.

The next laudable reform carried out by Captain Webb is in the matter of rural education which is by far the most urgent need of the people of Sikar. When he took over charge of the administration there were no *Thikana village schools*; but now there is a school in almost every village to which more are being added. There are, in all, 113 schools now; grants-in-aid are given to 8 private schools and 72 scholarships are granted to students without any distinction of caste. The education grant has already exceeded by 25 per cent the previous year's grant.

Another praiseworthy reform introduced by Captain Webb is the extension of the facilities for medical treatment to rural areas. A travelling dispensary is working and rendering excellent service to the helpless peasants. The medical budget has already been increased by 100 per cent and extension of further rural medical help is receiving the sympathetic consideration of this far-sighted British Officer.

The privy purse of the ruler of Sikar has been fixed at a reasonable amount and the following savings have been effected by curtailment of useless expenditure to be employed for public utility purposes:

1. Military expenditure has been reduced

from Rs. 72,000/- to Rs. 20,000/- annually ;

2. Garage expenditure has practically been abolished which formerly amounted to 48,000/- per annum;
3. The expenditure of Foreign and Vikalat Department has been reduced from Rs. 30,000/- to Rs. 4,164/-
4. *Parwarish* (charity allowances) has been reduced from Rs. 20,000/- to Rs. 9,000/- per annum.

A large amount is now being spent on public utility works of which the following are a few notable items :

1. Storm-water drainage in Sikar.
2. Additions and alterations to Travor Hospital Buildings;
3. Completion of the High School building and Hostel;
4. Construction of new Police Lines.

Many other valuable projects of public utility are receiving attention.

The following new departments for helping the rural public have been opened and are doing excellent work :

1. Forest and Grass Lands;
2. Sericulture Department;
3. Veterinary Department.

The question of village industries and such other organised industries as may help the rural population and increase their income, is receiving consideration of Captain Webb. A few industries have already received his notice and are taking shape under his patronage. If the example of Captain Webb's reorganisation and reform is copied in the other *Thikanas* of Shekhawati and Rajawati of the Jaipur State then it may be hoped that the peasants will get back much of their lost happiness.

Colonel Sir H. Beauchamp St. John, K.C.I.E., C.B.E., Vice-President of the Council of State, Jaipur, has rendered a most valuable and historic service to the peasants of Sikar by giving his ungrudging and ready support to Captain Webb in his most difficult task of reforming its age-old, corrupt and rotten administrative machinery. He has also made it possible for the entire Shekhawati peasantry to place their grievances before the Government by ordering a complete revenue settlement of all the Shekhawati *Thikanas* for the first time in the history of Jaipur State.

Mr. F. S. Young, C.I.E., I.P.S., Inspector-General of Police, Jaipur State, is another great friend of the ryots of the State. His services will certainly never be forgotten and his name will go down in the history of Jaipur State as the greatest Police administrator who has rooted out corruption from the Police forces of these *Thikanas* and remodelled the Police

of Sikar and Khetri on the best modern lines. The Police which was a terror to the peaceful ryot, is now the custodian of law and order. He is instrumental in ending the unfortunate agrarian trouble of Shekhawati and easing the situation by his timely intervention. If we may have officers of such vision and broadness of mind in other parts of India and Indian States, we may reasonably expect all complaints to disappear.

The Jaipur Government have taken further action in investigating the status and rights of a number of these *Jagirdars* through a Committee called 'Wills' Committee' and we hope that the report of this Committee will be a great help to the peasants and give them back many of their lost rights.

The position in Jaiselmer State.— In this desert State the Hindu principle of peasant proprietorship had all along been applied in a true Hindu spirit. The cultivator was the proprietor of the land and paid his land-tax to the Bhati King, equal to that sanctioned and authorised by Hindu scriptures. Regarding the land-tax Colonel Tod says: "From one-fifth to one-seventh of the gross produce of the land is set aside as the tax of the Crown, never exceeding the first nor falling short of the last. It is paid in kind, which is purchased on the spot by *Pallival Brahmins*,

or *Banias* and the value remitted to the treasury".¹

The position under the Mahrattas.—When the Mahrattas got supremacy over India no change was introduced in the land system and in Mahratta territories the Hindu practice of assessment and realisation of revenue was allowed to prevail. The Hon'ble Sir Mountstuart Elphinston says in his report on the territories conquered from the Paishwa submitted in October, 1819: "A large portion of the ryots are proprietors of their estate subject to the payment of a fixed land-tax to Government; that their property is hereditary and saleable and they are never dispossessed while they pay their tax, and even then they have for a long period (at least thirty years) the right of reclaiming their estate, on paying the dues of Government. Their land-tax is fixed, but the Mahratta Government loaded it with other impositions".

Captain Robertson, Collector of Poona, thus testified in 1821: "He (*Mirasdar*) is in no way inferior in point of tenure on its original basis, to the holder of the most undisputed freehold estate in England. The ancestors of many of the present occupants of the lands of the Deccan were probably holders of land antecedent to the Musalman conquest of the country, on condition of paying a 'reddendum' equal to a sixth part of the produce. Every original paper relating to *Thalkaris* (*Mirasi* tenants) and their occupation of the land, every return,

1. Tod's *Rajasthan*. P. 1126. 1

I have obtained from the districts concerning them and the ancient distribution of land, proves beyond a shadow of doubt that at a former time the whole of the arable land of each village was apportioned out among a certain number of families. Their descendants collectively are termed a *Jutha*, they are inferred to possess the whole of the original estate among them; they are responsible as a body corporate for the payment of whatever is due to Government". The Collector further testified that "the *mirasi* tenure was heritable and transferable and existed in all villages in Poona district."

Captain Pottinger, Collector of Ahmadnagar wrote in 1822 as follows regarding the *Mirasi* tenure: "They can dispose of or mortgage their lands when they like." "The *mirasi* tenure has existed in this part of India from time immemorial; and when I have asked about the period of its establishment, I have been told I might as well enquire when the soil was made".

Mr. Commissioner Chaplin wrote in his exhaustive and famous report of 20th August, 1822: "*Mirasi* tenure is very general throughout the whole of that part of the conquered territory which extends from the Krishna to the range of *Ghats* which divides Gungterre from Khandes." "A Ryot having once acquired the hereditary right of occupancy is, together with his heirs, entitled to hold it or alienate it by sale, gift or

mortgage, and, according to the usage of the Deccan, without previously obtaining the permission of the Government." A *Mirasdar* "has a voice in all the village councils, has a right of village pasture on the village commons and can build a house or dispose of it by sale."

Landlordism among the Mahrattas was not, however, altogether unknown. During the time of Bajirao Paishwa, four powerful tributary States came into existence, *viz*, (1) Nagpur under Bhonsla, (2) Baroda under Gaickwar, (3) Gwalior under Scindia and (4) Indore under Holkar. The rulers of these States acknowledged the Paishwa as their king and paid tribute to him. Once (1778) Gaickwar refused or delayed payment and he was compelled to pay the tribute. But due to the weakening of the central power of the Paishwa, these tributaries subsequently became powerful independent kingdoms and the last three are yet very important Indian States. These States observed the Hindu principle of peasant proprietorship which is observed even upto this day.

Economic condition of the ryot under the Mahrattas.—The Mahrattas realised as land-revenue the customary one-sixth which was a fixed tax under all Hindu rulers, but as Elphinston points out, the Mahrattas imposed other charges. The most notorious of these impositions was the *Chauth*. In addition to the *Chauth* the following were the other taxes generally realised

by the Mahratta Government. These were: a house-tax, *enam-tijae* or one-third of certain *inam* lands, a tax on pasturage and profits of grass lands and probably a dozen more. They were entered in the village under one head, *Nukta-bab*. But even with all these taxes taken together, the incidence of taxation per head of the ryot in the Mahratta kingdom was not very heavy. Under the administration of Balaji Rao "the condition of the whole population improved, and the Mahratta peasantry, sensible of the comparative amelioration which they began to enjoy, have ever since blessed the days of Nana Sahib Paishwa".¹ There was, however, no uniform system of land-revenue realization, though everything was well-regulated and managed by the Mahratta administration. But in spite of this the country was ruthlessly exploited from end to end; there was hardly any house of rich man which was not plundered by the Mahratta or Pindari or Jat or Muslim commander at the time he was in need of money. The ryot was subjected to forced exactions of whatever was practicable and the *Mamladars* were unscrupulous and dishonest revenue collectors of the Mahratta Government. The result was that the economic condition of the ryot went from bad to worse from day to day during the whole of the Mahratta period.

¹ F. History of the Mahrattas by James Grant Duff, p. 160. Vol. II.

Conclusion.—It will be seen from the foregoing that throughout the Muslim period the peasant remained the proprietor of the soil he tilled, whether he was a subject in the territory directly under the Government of the Mughals or in the independent or semi-independent Hindu States. But his rights were recognised only in theory and as a consequence of the pernicious farming system introduced almost everywhere to facilitate the collection of revenue on the one hand and to provide for the civil and military allies and officers of the king on the other, the peasant was no longer entitled to the whole of the produce of his field, less the legal dues of the State for protection. Indeed, towards the end of the Mughal period the peasant had been reduced virtually to the position of a serf. He was prey to everyone who could lay his hands upon him. Innumerable number of intermediaries between him and the Government, whether Hindu, Muslim or Mahratta, were created by the appointment of unscrupulous officers, introduction of farming system, grant of service tenures to petty clerks and attendants, grant of military tenures and other similar innovations which will be discussed in the next chapter. These landlords, as they are now called, who were originally contractors for land-revenue realization or who were given the right to realize land revenue on behalf and under the authority of the Crown, exacted by legal and illegal means every penny they could lay their hands upon, and left the ryot impoverished and destitute. The British,

when they took possession of India, found nothing but half-starved millions. They were thus faced with the task of taking care of these people, developing their economic resources, bettering their condition and making them once again contented citizens and prosperous ryots in a well-governed country under a civilized Government. We shall now see how far they have succeeded in performing this task.

CHAPTER IV.

Land System on the eve of British Conquest.

When the English took possession of India the following kinds of tenure-holders were found to be in existence:

1. ✓ **Hereditary rulers.** There were two kinds of hereditary rulers in existence. Some were brought in alliance by treaty many of whom paid tributes while others were landlords in humbler position and were acknowledged as rulers through a *Sanad* granted by the British Government. Many of them paid tributes. ✓
2. **Military Vassals or Mughal Subcdars.**— These powerful personages were at first subordinate officers of the Mughal Emperors but they declared their independence when the Mughal power in India weakened. On the English taking possession of India, they entered into alliance with the British Government either through a treaty or through the grant of a *Sanad*. Most of them paid a fixed tribute.
3. **Farmer Tributaries** of the Paishwa who later acknowledged British supremacy and continued as rulers of subordinate .

States. Some of them paid tribute to the British Government while others did not.

4. Farmers of the Mughal Period who became *Jagirdars* and were acknowledged as such by the British Government.
5. Military Vassals or Service tenure-holders of those ruling princes whose protection was undertaken by the British Government.
6. Ruling Princes or Jagirdars, who assumed this power by purchase e.g. the Maharaja of Kashmir :
7. Persons who were service tenure-holders during the Mughal period and who were acknowledged as *Jagirdars* by the British Government :
8. Jagirdars created by the British Government,
9. Holders of Charitable endowments and
10. Ordinary ryots.

The study of all these varieties of tenures of a complicated nature is rather a difficult task. It is, at the same time, not possible in this small volume to discuss each class with its innumerable sub-classes. It is, therefore, proposed to discuss the main classes and that, too, in broad outlines.

1. **Ruling Princes.**—Those princes who were

acknowledged as ruling princes by the British Government either through a treaty or through a *Sanad* and became entitled to a salute of guns, came directly under the control of Governor-General of India. In course of time the bigger States were placed under individual Residents while a Political Agent was appointed over a group of smaller States and such groups were divided into convenient units. For the sake of efficient administration and better supervision one Agent to the Governor-General was appointed over such Political Agents and Residents in each of the important groups e.g. Indore, Ajmer, Rajkot, Punjab, Behar and Madras. Residents of States like Hyderabad, Mysore, Baroda, Gwalior, and Kashmir were made directly responsible to the Governor-General and brought under his immediate control.

(The treaty and *Sanad* States began to enjoy complete ruling powers within their territories. They were allowed complete rights of revenue realization and exercise of unlimited power in almost all cases, civil, criminal and revenue. They came to be acknowledged as rulers of the territory over which they had their sway when they entered into an alliance with the British Government) But of late Government of India have in many cases interfered when, in their opinion, the ruler of any particular State has been guilty of maladministration. Some of these ruling princes were given rights of adoption while others were required to take permission of the Sovereign power every time there

was an occasion for it. The rulers were given a right to make gifts of land, assign *Jagirs* and otherwise sell or allot lands to those whom they thought fit and this right has never been contested. The *Jagirs* which these rulers assign are generally granted, as was in the Mughal period, to the Maharanis, sons of the ruler other than the heir-apparent, high officials, charitable institutions and attendants.

At the present time in some of the Indian States the right of ownership of the peasant in the land is acknowledged and respected as of old while in others the State considers itself the *Malik-Ala* or the superior proprietor and inferior proprietary rights called *Khatedari* or occupancy rights are given to the ryot. In yet others the cultivators are classed as tenants-at-will and the ownership of the land is considered as belonging to the State. This is a very grave misconception on which no light has ever been thrown by the people and the Government of India have never tried to solve this very important problem. We have seen that according to Hindu and Muslim law, the ruler is not the proprietor of the soil but is only a sovereign having a right to receive land-tax (not rent) for the protection he gives to the ryot. It, therefore, behoves the Government of India yet to recognise this fact and restore unto the ryot the rights enjoyed by him from time immemorial.

Origin of Feudal System.—The Feudal system in India dates back to the Epic period, but little is

found on record about the definite forms of the system. Both Yudhishthira and Duryodhana had vassal kings and feudal chiefs to aid their sides in the battle of Kurukshetra. The cousin brother of Duryodhana, by name of Karno, was given a feudal *Jagir* of Angadesha by Duryodhana. This system appears to have originated in Asia from where the Aryans brought it to India and their other brethren carried it to Europe. Tod says: 'of one thing there is no doubt,—knowledge must have accompanied the tide of migration from the east; and from higher Asia emerged the Asi, the Catti and the Cimbric Lombard, who spread the system in Scandinavia, Friesland, and Italy'.¹

That the feudal system existed at the time of Bappa Rawal is proved by the fact that when he was only 15 years of age he was enrolled among the chieftains of his uncle who were the vassal chiefs of the Mori King of Chittor. The Mori king, for some reason, confiscated the *Jagirs* of the vassals who, according to Tod, dethroned the king by way of revenge and elevated as their sovereign the youthful Bappa.²

At the time of Visaldeva whose name appears on the pillar of victory at Delhi and who led an army against the invader of his kingdom,³ summonses were sent for his magnificent feudal

1. 'Tod's Rajasthan, p. 136.

2. Ibid. 238.

3. Ibid, 143.

levy from the heart of Anterbed to the shores of the western sea, and it coincides with the record of his victory which most probably this very army obtained for him'. 'But no finer picture of feudal manners exists than the history of Prithwiraja contained in Chand's poem'.¹

Similarity of the system all over the world.—

The vassal of any kingdom in the world where the feudal system operated, was bound to be loyal and ready to give such assistance as he was called upon to render according to his rank and terms of the grant. India was no exception to the rule and the Rajput feudal system was based on implicit obedience and service to the Crown. The vassalage in India arose as a result of the high tradition of the Rajput race and of the implicit obedience of the younger branch to the senior branch. The Rajput *Kula* (offsprings of the same father) and the Rajput *Jharaja Bhyad* (common brotherhood) are the greatest links of unflinching loyalty to the throne. No vassal, howsoever degraded, would break his oath of allegiance to his king² (*gaddi-ki-an*) which was more sacred than anything else in the world.

Who could be vassal to a Rajput king.—

The vassalage of a Rajput kingdom was restricted only to a Rajput. Tod definitely says that caste was an important consideration for the Rajput kings and persons of inferior caste were not allowed

¹. Tod's *Rajasthan*,

to have any important relationship with those in the higher rank of the society. It was distinctly laid down that only those of pure blood in both lines could hold fiefs of the Crown. Indeed, purity of blood was the most important consideration with the Rajput and even a very poor man might marry the daughter of a prince if he was only of noble descent! ¹ This was true of the whole of Rajputana and especially the older States of Jaipur, Jodhpur and Jaiselmere and in all these States vassalage was granted only to the Rajputs of noble birth.

With these preliminaries let us now proceed to discuss the various forms of tenures, service attached to them and other peculiarities of each of the important classes.

Military service tenure-holders.—Anyone from a big Zamindar to a horseman might be included in this class. The *Jagirs* were granted to such persons either on merit or in recognition of the importance of their birth. In the time of her glory Mewar could count on 16,000 horsemen, all tied to their prince in the battle. The Shekhawat confederation of Vassals could raise 25,000 swords at the call of the Maharaja of Jaipur, besides other important vassals of the Rajawat, Nathawat, Khangorwat, Naruka and other clans of the blood

1. Tod's *Rajasthan*, p.p. 143-44.

royal*. These tenure-holders were divided into two important classes *viz.* *Tazimi* and *Non-Tazimi*. Among the *lazimis*, again, there were several grades. *Tazimi* means a *Jagirdar* who receives a certain preferential treatment from his king. They were class in different grades which were taken into consideration when seats were allotted to them either in the Durbar or battle-field. The military vassal became a vassal only on the condition that 'at home and abroad. service shall be performed when demanded.'

• **Failure to render service or non-attendance.—**

If any of the military service tenure-holders did not render service according to the conditions of his *patta* (deed of tenure-grant), he was fined. In the case of the vassal not presenting himself in person or not carrying out the duty, a detachment was generally sent to his village and the defaulting Jagirdar was made to pay for it. This daily charge, called *Rozina*, was realised by the detachment till the vassal complied with the commands of the prince. In case of non-payment of fines, the sequestration of the whole or part of the estate of the vassal was not uncommon. Tod has given a copy of an order which is interesting. It shows how fines were imposed and no apology, is needed to reproduce it here :

* The *Jagirdars* of Shekhawati are not legally the military service tenure-holders of the Jaipur State but are farmers in the strict sense of the word. But military service though not compulsory, has been taken from them.

“Maharaj Mandhata to Suktawat Gopal-das, be it known.

“At this time a daily fine of four rupees is in force against you. Eighty are now due : Gangaram having petitioned in your favour, forty of this will be remitted. Give a written declaration to this effect that with a specified quota you will take the field ; if not, you will stand the consequences :

“*viz* : One good horse and one matchlock, with appurtenances complete, to serve at home and abroad (*des-pardes*) and to run the country with the *Kher*.

“When the levy (*Kher*) takes the field, Gopaldas must attend in person. Should he be away from home, his retainers must attend and they shall receive their rations from the presence.

“*Sawan sud doj* (August, 10th) S. 1782”.

Mutual obligations of vassal and king.—“The essential principle of a fief was a mutual contract of support and fidelity. Whatever obligations it laid upon the vassal of service to his lord, corresponding duties of protection were imposed by it on the lord towards his vassal. If these were transgressed on either side, the one forfeited his land the other his signiory or rights over it”.¹

1. Hallam, Vol. I, p. 273.

Other duties of a vassal.—"The attempt to define all the obligations of a vassal would be endless: they involve all the duties of kindred in addition to those of obedience. To attend the court of his chief, never to absent himself without leave, to ride with him a-hunting, to attend him at the court of his sovereign or to war and even give himself as a hostage for his release: these are some of the duties of a vassal".¹

Duration of Feudal grant.--Such feudal grants used always to have been given for the life time of the holder except in rare cases. Even in such cases as *Mundkati* or *Sirkati* i. e. where a grant was made to the heirs of a deceased for the latter's gallant services, the grant was ordinarily for life. The recipients of such grants who thus became feudal lords or *pattedars* were never the proprietors of the soil over which they held their sway, but had only a right of realisation of land-revenue which was the right of the Crown. This we have proved in the preceding chapters, but the point is of such importance that it is necessary to make a further reference to it here. We have shown in the 2nd Chapter that on the demise of a chief, the prince would send a party to effect *Zabti* or resume the *Jagir* till it was regranted to the heir.

These *Jagirs* were always resumable even at the pleasure of the Crown; but in case of a rebellion,

¹ 1. Tod, p. 163

they immediately reverted to the Crown. Tod makes it perfectly clear and proves that even so late as during the reign of Rana Sangram, the fiefs of Mewar were actually movable. Instances have been known of whole families of *Jagirdars* of a particular clan vacating their *Jagir* and going away to distant places when the territory was occupied by the prince of another clan. These instances proved that the fiefs (*pattas*) were not grants in perpetuity. ¹

Justice Field throws light of a valuable nature on this aspect. He says: "The distribution was at first made annually, lest the thoughts of the conquerors should be diverted from war to agriculture, lest luxury and enervation should result from the erection of permanent dwellings, and too great attention to the comforts and superfluities of life. But in course of time, when the stream of migration had spent its force, when peaceable possession had introduced new habits and some permanency of occupation was found necessary to successful agriculture, an annual disturbance and resettlement became inconvenient and distasteful, and the fiefs were in consequence granted *for life*. Upon the death of the possessor, if he left children capable of performing the services, they naturally had a sort of claim to succeed, and it was regarded as a sort of hardship that they should be rejected. Rejection became unusual and in process of time feuds became *hereditary*. The office of *Zamindar* in India,

1. Tod, pp. 167-68.

which in its origin was granted for life only, became hereditary in a somewhat similar manner. It does not appear that the old Indian Rajas or Government had lands in the nature of Crown lands. Their revenue was derived from the share of the produce which all cultivators of the soil were bound to contribute.¹

Other forms of Jagirs. - We have discussed the most important class of *Jagirdars* in the above paragraphs and we shall now take up the humbler ones for discussion.

1. **Badh.** - This was a service tenure granted to every class of servants with whom the prince might be pleased or whose services might be recognised for good work or some faithful action. In this class may be included :

- (a) Pradhans (Ministers) ;
- (b) Clerks ;
- (c) Killedars (fort commanders) ;
- (d) Attendants of the prince ;
- (e) Rasoiyas (Cooks) ;
- (f) Wardrobes ;
- (g) Physicians (jarrah, vaid, hakim) ;
- (h) Singers, Musicians, Prostitutes ;
- (i) Dhabais (foster-mother's son) ;
- (j) Mechanics and Professionals ;
- (k) Kanungos, Patwaris, Watchmen.

¹Field's Landholding, p. 7. footnote 9.

2. **Udak.**—This was a charity grant which was given to (a) *Brahmanas* and (b) *Charanas*. The *Charanas* were bards and the *Brahmana* might be a family priest or an astrologer or a temple worshipper or a *Panda* in a place of pilgrimage or a school teacher.

3. **Bhog-mandir.**—This was a grant for the expenses incurred for the worship of the deity in a temple.

4. **Inam.** This was a reward *Jagir* given by the Prince to anybody whom he liked as a reward for any service or even without service to whomsoever he was pleased with.

5. **Mafi.**—This was a kind of *Jagir* granted without any service. The *Mafi* (free grant) was *Jagir* given in the following forms : —

(a) **Kabila-kharch.**—This was granted for the family expenses of a respectable person on his becoming poor and unable to support his family in the manner his forefathers did. This was also called as *Kansa-kharch*, *Jeb-kharch*, *Math-kharch*, *Rasora-kharch* and *Ghar-kharch*.

(b) **Mafi-jaidad.**—This was a form of *Mafi Jagir* granted to persons of dignity exiled from other States. This was also called *Rozandari* and generally no service was attached to such a grant.

(c) **Inam.**—This was a *Mafi* granted public institutions like *Sarais*, halting places,

Dharmashalas, gaushalas and the like for their upkeep and maintenance.

The grants (a) and (b) were generally given for life while (c) was given for a limited period. Such grant was deemed valid till the purpose for which it was given remained beneficial to the public. The grantees were not vested with proprietary rights in the soil which remained with the persons who tilled the land. Such grants were resumable when so desired by the ruler.

6. **Bhom-Rekwali.**-- This was a grant of the land conferred upon the landlord by the peasant proprietors of Rajputana. This grant carried with it the right of ownership in the land of the landlord to whom such a grant was made. This was in conformity with the old Hindu principles, according to which the peasant proprietors in the days of yore used to elect their own village hierarchy with the *Mukhia* as the head of the village entrusted with the duty of protecting the villagers from robbers and thieves and representing the village in the king's court. This right, however, was conferred on the distinct understanding of mutual help by both parties. 'Personal service at stated periods to aid in agricultural economy of the protector was sometimes stipulated when the husbandmen were to find implements and cattle, and to attend whenever ordered.'

Importance of the Rekwali system.—The importance of this kind of grant lay in the fact that the grant of *Rekwali* conferred on the grantee title of proprietorship in the land he thus acquired as a gift from the original proprietors which no other grant from the Crown could confer upon him. According to Tod, *Bhoom* thus obtained was irrevocable. We have ample evidence to show that such a grant was coveted by persons and it furnishes ample proof that every other kind of tenure was deemed resumable. ¹ This grant conferred upon the grantee such a right that it was even beyond the power of the king to dispossess him of his rights thus conferred on him by the peasant proprietors. 'The chief might lose his *Patta* lands and he would then dwindle down into the *Bhoomia* proprietor which title only lawless force could take from him.' ²

The grant was, however, subject to the fulfilment of the duties required of the grantee by the peasant proprietors, and in case of non-fulfilment or excesses, the grant was liable to be confiscated either by themselves direct if they had the means to oust the grantee or they could successfully appeal to the Crown for removal of the grantee. This goes to show that this grant was hereditary in case the peasant proprietors agreed to its continuance; but in case they did not allow its continuance, the grantee had to quit. The *Patta*

1. Tod, p. 179.

2. Ibid, p. 179, footnote.

(deed of grant) was granted in such cases not by the Crown but by the peasant proprietors. Copy of such a *patta* may be reproduced here. ¹

Grant of Bhoom by the inhabitants of Amlee to Rawat Fatehsingh of Amait.—S. 1814 (A. D. 1758).

“The Ranawats Swantsingh and Sobaghsingh had *Amlee* in grant: but they were oppressive to the inhabitants, slew the patels Joda and Bhaggi, and so maltreated the *Brahmanas* that Koosul and Nathu sacrificed themselves on the pyre. The inhabitants demanded the protection of the Rana, and the *putluets* were changed; and now the inhabitants grant, in *Rekwali*, one hundred and twenty-five bighas as *bhoom* to Futehsingh.*

7. **Gola, Chela or Daroga and Busee.**—People of the Gola, Chela or Daroga class in Rajputana were the illegitimate offsprings of the Rajput nobles, landlords and Maharajas. They were the sons of women who came in dowry, or were purchased by the Rajputs. They were more or less hereditary slaves of the Rajputs and attended

(2) Tod, p. 240, Appendix VIII.

*This is a proof of the value attached to *bhoom*, when granted by the inhabitants, as the first act of the new proprietor though holding the whole town from the Crown, was to obtain these few bighas as *bhoom*. After having been sixty years in that family, *Amlee* has been resumed by the Crown: the *bhoom* has remained with the chief. (Tod, p. 219., footnote)

their masters in persons for every menial service. They were sometimes given land but without any right to alienate, mortgage or sell it. They were serfs for all practical purposes. They laboured on their masters' lands and lived on their charity. No Gola, even if he was an illegitimate son of a Prince, could be married to the daughter of a real Rajput, however humble that Rajput might be. The Gola had no property to call his own. He could be given in dowry or he might be retained and his lawfully-wedded wife given or his sons and daughters sent to be utilised in the manner thought fit by the Rajput receiving them. Those Golas had no chances to better their lot and remained serfs for all their life.

The Busee or 'halee' as he was called in some places, was an agriculturist serf whose property in the land was taken possession of by illegal means as was in the case of acquisition by Zalimsingh in Kotah. These Busees were more or less serfs and were termed as tenants-at-will.

This was the system as prevailing in Rajputana. It is clear that this system admitted of no proprietary right of the landed aristocracy and was based on the principle of peasant proprietorship. We have shown enough in this chapter about the rights of the cultivator and it is unnecessary to dilate further on this point. We shall now proceed to discuss the other forms of tenures which prevailed in other parts of India.

Taluqdar. We use this word in very comprehensive sense and intend it to mean the *Zamindar* of Bengal, the *Taluqdar* of Oudh, the *Pattedar* of Rajputana (mostly Shekhawati), the *Khatedar* of Gujrat and the *Islamrardar* of Ajmer-Merwara. We do not use this word arbitrarily in this sense. So high an authority as Field found this term wide enough to cover practically most of the systems denoted by the aforementioned terms. In fact, he clearly stated that the *taluqdars* of North-Western Provinces and Upper India corresponded to the old *Zamindars* of Bengal, and had a somewhat similar origin. Some of them (termed pure *Taluqdar*) descended from the military leaders and other persons who formerly occupied superior position in the country. Others again (termed impure *taluqdar*) came into existence at a later period and under the Mohammedan rule, having been originally mere collectors of the Government revenue, and subsequently having acquired hereditary rights either through the favour of those in authority or in consequence of the weakness and 'decay of the Empire.' Some of the *taluqdars* of Oudh were the old colonists. Such colonisation of a part of Oudh by the Rajputs was the direct off-shoot of the Muslim conquest of India. While most people of North-Western India submitted to the Muslim conquerors after a brave but vain resistance, the Rajputs could hardly reconcile to the new state of affairs. They

(1) Field's Landholding pp. 718-19.

tried and failed, but they could not remain quiet under defeat. When fight was no longer possible, a section of them left the land of their birth and out to find a place till then beyond the reach of the Muslim conqueror, they at last settled in Unao.¹

Another section of the *Taluqdars* of Oudh owed their origin to grants of land bestowed on them by Mughal Emperors for services in war. The colonies under the possession of both these classes of *taluqdars* reproduced all the essential features of European feudality. The tract occupied by the settlers was held under a special grant from the king. The grantee was bound to do service in the field against rebels or disturbers of the peace when called upon by the proper authorities; and sometimes it was stipulated that he should attend the *faujdar* on his excursions through the country, with a fixed force.²

This shows that there were two classes of *Taluqdars* in Oudh viz., (1) those who came before the Mughal Empire was established and settled by conquest in the tracts and (2) those to whom *Jagirs* were assigned by the Mughal Kings as military vassals. According to the Hindu or Muslim land laws neither of the two did possess or acquire.

1. Laborious days: (Leaves from the Indian record of Sir Charles Alfred Elliott, K. C. S. I., C. I. E., etc. Lieut. Governor of Bengal) pp. 15-16.

2. Laborious days: (Leaves from the Indian Record of Sir Charles Alfred Elliott, K. C. S. I., C. I. E., etc. Lieut. Governor of Bengal) pp. 15-16.

any right to the soil of the country. We have shown that a man could acquire only one kind of right in the land. If he tilled it and sowed seeds on it he could reap the fruits and enjoy the same after paying the land-revenue to the Crown. But if he himself was the Crown and the land was tilled by others then he could have no right other than the right only to receive the land-revenue. The first class of settlers were thus entitled to receive land-tax and were not the proprietors of the soil. The second class, being the military vassals, were decidedly entitled only to receive land-revenue which was the share of the Crown as long and only so long as they continued to render military service to the Crown.

In course of time, however, these old settlers were ousted by new *Taluqdars* who sprang up from the position of land revenue contractors or farmers of the Crown. This change took place early in the eighteenth century with the decay of Muslim power in India. The farmers, who were generally mere speculators, were bound to render the utmost fraction secured by their bond, and they could not and would not show mercy to the defaulting proprietors. One class and one alone fattened on the general misery. This was the *Taluqdar* class. They were fostered by the revenue authorities; for the fewer and larger the estates the easier it was to realize government dues. Hence the speedy elevation of the *Taluqdars* on the ruins of countless

smaller proprietors.¹ This proves beyond any shadow of doubt that the *Taluqdars* of Oudh, *Malguzars* of C. P. and *Zamindars* and *Khatedars* of other provinces were but the farmers of the Mughal days. They had no proprietary rights over the land which they acquired later by acts of pure usurpation.

The table ² given at the end of this chapter illustrates the classes of tenures that prevailed in Bengal. This will show how the rights of the ryot have been usurped by different parties and how they have become proprietors of land without a title to it. It is difficult to explain all of them in the brief compass of this book and we therefore propose to deal with a few important classes out of this elaborate list of various classes of land-holders.

Jagirdar. The *Jagirdars* corresponded to *Taluqdars* and sufficient has been said about them in previous pages. They are mostly feudal lords* or farmers. § *Jagirs* were granted to feudal lords for life while assignment made to the farmer was deemed valid until the expiry of the period stipulated in the contract. But during the period of

1. Laborious days, p. 37.

2. Field's Landholding p. 714.

* Feudal means: OD, estate: and FEO, wages, pay. The construction of the word shows that such *Jagirdars* held *Jagirs* (not land) as assignments for revenue realization, from the king in lieu of their pay or wages.

§ Farmer means land-revenue contractors over estates leased by the Government for a fixed sum for realization of land-revenue due to the king.

anarchy these *Jagirdars* became proprietors of land. Thus the land-tax which was formerly regarded as gift to the king by the ryot for the protection given by the former, later became a land-rent payable to these intermediaries known as *Jagirdars*. It is a case of clear usurpation of the rights of hereditary peasant proprietors.

Zamindar.—This word is synonymous with *Jagirdar*. But in certain places in India, such as Rajputana, the word *Zamindar* is still retained for the original proprietor (cultivator) while *Jagirdar* is the word for the usurper, the landlord.

Lakhirajdar.—This is a term applied to those holders who are exempt from payment of land-revenue to the Government. "This tenure possesses all the incidents and advantages of a *Zamindari* tenure with the additional attribute that it pays no land-revenue to the Government or any other landlord. In a majority of cases such *Jagirs* cannot be mortgaged, sold or otherwise disposed of by the holders. They are mostly charity grants to *Brahmanas* and are called *Udak*, *Brhamuttar*, *Madadmash* etc. There are some *Lakhiraj Jagirs* which were originally granted to persons for some good work in reward and future revenue was remitted by the Crown while granting such a *Patta*. They are not proprietors of the land, but entitled to land-revenue from the ryot.

Ghatwal.—These *Jagirs* were granted to persons

guarding mountain passes or a terminus of a ferry on either side of the river. Such *Jagirdars* are found on the frontiers or river sides. As usual, they received title for the realization of land-revenue from the cultivators under them and no rights to the land. This was a sort of feudal *Jagir*.

Ijardar. This term is intended to convey the same sense as 'farmer' or 'land-revenue contractor'. The *Mustajir* or *Ijara* system was the worst system of realization of land-revenue. Justice Field says that the middle-men have in all countries been found pernicious; and the *Ijardars* and *Durejarahdars*, the farmers and under-farmers, of Bihar and other provinces in the Bengal Presidency, have supplied a vast mass of evidence to corroborate the general experience. No class of middlemen can possibly be worse than farmers of rent for a term'.¹ These *Ijardars* in course of time became hereditary *Jagirdars* and were afterwards acknowledged as such by the British Government. (For fuller description of these, please see chapter II and a description of *Taluqdar* in the earlier portion of this chapter.)

Patnidar. These were the sub-landlords created by the sub-contracts granted by the *Ijardar* or Farmer-general to petty persons. In course of time these persons also became landlords of inferior type. '*Patni* tenures usually included a considerable area of land ; and as some of the *Zamindaries* were very extensive and in consequence too large for effective'

1. 'Field's Landholding, pp. 616.

personal management, it is quite possible that more good than harm might have been done by the introduction of the *patni* system, if the sub-letting had not descended lower. Unmanageable tracts would have been broken up into estates of convenient size, capable of being well-managed by their owners, if they devoted themselves to their duty. But, unfortunately, it became the common practice of the holders of *Patni Taluks* to underlet on precisely similar terms to other persons who, on taking such lease, went by the name of *Darpatni Taluqdars*. These again, sometimes, similarly underlet to *Se-patnidars*—and the sub-letting was in very many instances continued several degrees lower. This system of sub-letting or quasi-sub-infeudation, was distinctly legalised by the legislature; and the consequence was that at the time when middlemen were being abolished in Ireland, they were being created and their creation encouraged in Bengal. They have now for half a century been common in most districts under various appellations; and in some places there are as many as a dozen gradations between the *Zamindars* at the top and the cultivator of the soil at the bottom. It is easy to conceive how landlords of this class abused the extraordinary powers with which the legislature invested them and ground down the toiling millions of the country.

The harm done and economic servitude created by

such recognition were really great and the forfeiture of the rights of the peasantry of the country which was recognised by all law-givers,—Hindu or Muslim,—was nothing short of criminal usurpation. The mistake of recognising these landlords, sub-landlords and sub-sub-landlords as proprietors of the land was discovered by the English administrators at a very early date. Mr. Canning, the then President of the Board of Commissioners, in a letter addressed in 1817 to the Chairman of the East India Company, stated four points upon which the Court and Board were unanimous. One of these was, 'that the creation of an artificial class of intermediate proprietors between the Government and the cultivators of the soil, where a class of intermediate proprietors does not exist in the native institutions of the country, would be highly inexpedient'.¹

The misery of the ryot under a system dominated by these hosts of created intermediate proprietors of land may well be described in the words of the eminent Englishmen of nineteenth century. "The wretchedness of the ryot," wrote Mr. Marshman, "was consummated by the system of sub-letting which often descended to the fourth degree. The accumulated demand was extorted from the cultivators by every ingenuity of oppression." Mr. Butterworth Bayley, the Magistrate of Burdwan, where the *patni* system originated, said that he had met with more than one instance of a village being held in

1. Field's Landholding. p. 619, footnote.

portions by six or eight individuals as a *Dar-Dar Dar-Patni Taluk*, and he pointed out the oppression and exaction caused by the practice. "The sub-letting system," wrote Mr. Dampier, the Superintendent of Police for Bengal, in 1843, "which relieves the Zamindars from all connections with their estates or ryots, and places these in the hands of middlemen and speculators, is striking its root all over the country and is grinding down the poorer classes to a bare subsistence, if it leaves them that." Some fifteen years later, Mr. Sconce, a member of the Legislative Council and a gentleman of great experience of the conditions in Bengal, wrote as follows:—

"The bane of the landed interest in India, *i. e.* of all those who are primarily interested in the land, the landholders on the one hand, and the actual cultivators on the other, is the creation of sub-tenures for the benefit of those, who seek to lease rents, *not lands*; who speculate upon the opportunity they may be enabled to command of realizing extortionate rents; and who, being neither landlord nor cultivator, are permitted to absorb such an amount of the profits of the land as is calculated to paralyse the efficient operation of those, with whose prosperity the prosperity of the entire country is most nearly identified." ¹

Junglebaridar.—These were the proprietors of the land who cleared and tilled the soil. This class existed in India from the time immemorial. The

¹ Field's Landholding, p. 620.

grant to this class may be compared with *Darkhast* grant of waste land in Madras Presidency. This is the same as *Adaiyoli Manyam* in the south.

In addition to these there were other kinds of personal grants not infrequently given by the Sovereign to people of different grades. These were briefly as follows :

• **Pin Money.**—This was land granted in dowry.

Bagh-mari.—Land granted for killing a lion or tiger was styled a *Bagh-mari*.

• **Danduga.**—This was compensatory grant made by the Sovereign for contributions or exactions for a war or other emergencies.

Workers' Grants.—These grants were made to skilled workers like weavers, black-smiths and the like for inducing them to settle in the village.

Moondkati or Sirkati or Netturu Kattu : Natturu Vettu : Palikkani : Raktakodigai : Raktamanayam.—These were grants to the heir or heirs of a deceased person killed in a battle, or killed in some other public service.

Infirm support.—This was a grant for the support of a cripple or infirm person.

These, in short, were the principal sorts of grants, and *Jagirs* which were found to arise

by the Britishers on their taking possession of India. We have seen that without any or hardly any exception, the grants were made for a specified period and were in the nature of grant for the realization of land-revenue and no Government ever recognized the holder of the particular grant as the proprietor of the land. In course of time and during the period of anarchy these persons of power and influence became hereditary *Jagirdars* and proprietors of land. We have seen the baneful effect of such a system and pitiable condition of the ryot under extortions which the system inevitably led to. In the next chapter we shall discuss the condition during the British period.

Table of Intermediaries

GOVERNMENT.

Entitled to revenue

Jagirdar	Zamindar	Lakhirajdar	Ghatwal
Paying Revenue to Government		Exempt from payment of revenue to Government.	
	Ejardar		
	Darejarahdar or Ticcadar or Katkinadar.	(1) Altamga.	
		(2) Ayma.	
	Ryot	(3) Madadmosh	
Lakhirajdar.	Taluqdar.	Patnidar.	Jungle. Baridar
Exempt from payment of rent	Zimba-Taluqdar	Darpatnidar	Sub-Ryot
(1) Birmutter	Ashat-Taluqdar	Sepatnidar	(1) Kurfa
(2) Pirutter	Nim-Ashat Taluqdar	Chahar-Patnidar	(2) Adhiyadar
	Howladar	Ryot	(3) Burgadar
	Ashat-Howladar		
	Nim-Ashat-Howladar		
	Nim-Howladar		
	Ashat-Nim-Howladar		
	Mirash Karsha		
	Karim Karsha		
	Karshadar		

CHAPTER V

BRITISH PERIOD

(1612 A. D. to 1790 A. D.)

Historical Retrospect.—The English came to India as traders. In 1599 a Company was formed in London with a capital of £30,133-6s.-8d and a committee of fifteen was deputed to manage the affairs of the newly-formed East India Company. The Company made little progress till 1612, but on the 11th January, 1612 the Mughal Emperor granted to the East India Company certain privileges of trading in India through a *firman*. In this year, the first factory of the Company at Surat was established. By degrees, other petty settlements were formed along the western side of the Peninsula with headquarters at Surat till the cession of Bombay to the Company by Charles II, in 1668.

During this period the Company received charters from the Mughal kings through their able representative, Sir Thomas Roe. Dr. Boughton, a surgeon in great favour with Shah Jahan, got for the Company a *firman* for a new settlement at Hooghly. In the mean time the Company obtained from a local Prince permission to build a fort now called Fort St. George at Madras. The Company remained

mostly a trading concern till the early period of the eighteenth century. When the rival trading companies were amalgamated in 1708 as approved by the British Parliament, the possessions of the Company were: Surat, Baroch, Ahmedabad, Bombay, Carwar, Tellicherry, Calicut, Anjengo, Madras, Cuddalore, Muslipatam, Porto Novo, Madapollam, Vizagapatam and Calcutta and factories at Patna, Maldah, Dacca, Balasore, Rajmahal, and Kashimbazar. The English did not possess any territory at this time in any of these places but were owners of factories on grounds sold or leased to them by local chiefs or by Mughal Emperors. ~~The~~ early ambition of the English in India was not territory but monopoly of Indian trade.

How the English thought of maintaining military force.—The English East India Company came to trade with India at a time when India was in a great political turmoil and when Dutch, French and the Portuguese were already trading here and were the greatest rivals of the English in India. These three nations instigated local chiefs and even the Mughal kings to create an atmosphere unfavourable for the British trade in India. The English, therefore, maintained military force for the protection of their factories in India, wherever they were established. Everything went on in favour of the English till the death of Shah Jahan, as he himself and his son Shuja were well disposed towards the English and the latter received all

support and help from the king and his Subedar which office was held in Bengal by Shuja himself till the accession of Aurangzeb and the appointment of Shaistakhan as Subedar of Bengal. Shaistakhan, however, did not like the English and treated them badly. He levied a duty of $3\frac{1}{2}$ per cent on all English merchandise and his officers extorted large amounts from the Managers of the English Factories. This attitude of Shaistakhan created a hostile spirit among the Company's servants against the Subedar; and a quarrel between a few English sailors and a few men of the Mughal Police brought the matters to a head. The intention of the Subedar to create trouble necessitated the immediate evacuation of the English and on the 20th December, 1686, Mr. Job Charnock abandoned Hooghly and shifted through the river to Sutanuti (modern Calcutta) which place he had also to leave later and take shelter at Injelli, while the English factories at Kashimbazar and Patna were plundered by the Mughal force. Captain Heath arrived just at this time from England and he gave a fitting reply to the impudence of Shaistakhan by plundering Balasore and partly Chittagong, after which he took the Company's servants and effects on board the ship and landed them at Madras. This so enraged Emperor Aurangzeb that he gave orders to expel the English from his kingdom.

The Mughal Government, however, soon realized the great loss to their revenue which resulted from the abandonment of the trade in Bengal by the British. Besides the well-equipped ships of the

BRITISH PERIOD.

British were in a position to prevent the pilgrimage of pious Mohammedans by sea to Mecca. Aurangzeb felt these difficulties and received a deputation of two commissioners who came to wait upon him from Bombay. These commissioners were able to reconcile the Emperor and effect a compromise as a result of which instructions were issued by the king to the Subedar of Bengal to invite Charnock to return to Bengal. A promise was also given to make good the loss of the British goods plundered. Charnock returned to Bengal on the 24th August, 1690 and laid the foundation stone of Calcutta. .

When this was the condition in Bengal the English had no peaceful time in the Bombay Presidency. Shivaji, the great Mahratta chief, attacked Surat in 1664, but the Company's staff put up so gallant a defence not only of their own property but of the town also that Aurangzeb, as a mark of approval, remitted one per cent of the duties levied at the port, and exempted the Company's goods from inland transit dues. In 1670 Shivaji plundered Surat again, but this time he left the English alone. Earlier in his career he plundered the English factories in the Konkan and in other ways oppressed them. But he soon found in the English a formidable foe as well as an excellent ally and, therefore, he made overtures for their friendship. At the time of his coronation he invited a Company's representative, and Oxenden, the representative of the Company succeeded in inducing the Mahratta

Chief to enter into a trade agreement with the East India Company.

The English had not only to encounter troubles emanating from the Mughal Government and the local chiefs, but had to put up with the troubles created by French and Dutch traders as well. But undaunted by these temporary troubles they went on increasing their trade and power in India. The policy of the French in India quickened in the English the desire to extend their power and territory. "The truth is that, from the day on which the Company's troops marched one mile from their factories, the increase of their territories and their armies became a principle of self-preservation ; and at the end of every one of these numerous contests in which they were involved by the jealousy, avarice or ambition of their neighbours, or the capacity or ambition of their own servants, they were forced to adopt measures for improving their strength, which soon appeared to be the only mode by which they could avert the occurrence of similar danger." ¹

Sanction to acquire dominion given by London office :—This state of affairs was reported by the Indian Offices to their London Head Office and the Court of Directors of the Company in London realised the necessity of giving permission to extend the territorial possessions of the company in India. In 1689, they wrote : "We must make us a nation in India."

1. Sir John Malcolm, Sketch of the Political History of India.

The Company as Landlord and Ijardar in India.—

The desire of the Officers of the Company to extend their strength and dominion as well as the sanction of the Court of Directors in this behalf quickened the way for the acquisition of territory by the Company in India. In about 1690, Tegna-patam, a town and port, a little to the south of Pondichery, was obtained by purchase. Shaistakhan was succeeded as Governor of Bengal, Bihar and Orissa by Prince Azimus Shah, the grandson of king Aurangzeb who aspired to dethrone the king; and to carry out his scheme the Prince needed money. He gave permission in exchange for a large sum to the English to purchase from the *Zamindars* the *Taluqdari* rights of Calcutta, and the adjacent villages of Sutanuti and Govindpur, subject to the annual tribute of Rs1,195/-

The company, however, as has been pointed out in an earlier portion of this chapter, remained ordinary traders till 1708 when a fresh charter was received by them from the British Parliament. This gave impetus to them and they restarted their business in India with redoubled vigour and courage. The able surgeons of England rendered very valuable services to the Company. As in Shah Jahan's time, the Company received help through the influence of Dr. Boughton, so in the reign of Furokhsir in 1715, it received great help from Dr. Hamilton. This doctor got for the Company, as a reward for curing the Emperor of a dangerous and painful disease, a grant of three villages near

Madras, a permission to purchase the *Taluqdari* right of thirty-eight more villages in Bengal, and the privilege of introducing and conveying their merchandise from Calcutta through Bengal without duty or search. This purchase, however, could not be affected as Murshid Kuli Khan, the then Governor (Subedar) of Bengal was inimical to the English and did not allow the *Zamindars* to make the sale and transfer the rights. Murshid Kuli Khan, on his death in 1725, was succeeded by his son-in-law Suja-ud-din. On his death, the viceroyalty was assumed by his son Serfrajkhan ; but he was killed in a battle by Aliverdikhan who obtained the *Sanad* of Subedari from the Emperor and marched to take possession of the post aided by an imperial army. Aliverdikhan remained viceroy till 9th April, 1756, when he was succeeded by his grandson, Seraj-ud-daula.

Seraj-ud-daulah, immediately on his assuming the viceroyalty of Bengal, got exasperated with the English on the refusal of the English Governor of Calcutta to surrender one Krishnadas who was demanded by the Nawab. He thereupon marched on Calcutta and captured it on the 21st June, 1756. Instruction was thereafter given from the Madras office of the Company to Colonel Clive and Admiral Watson who immediately proceeded to Calcutta and recaptured the city on the 2nd January, 1757.

A treaty was thereafter concluded with Seraj-ud-

daulah on the 9th February, 1757 and the following terms were agreed to :

1. That the Nawab shall respect the privileges enjoyed by the Company and allow their goods to pass free of duty by land and water;
2. That he shall permit them to fortify Calcutta and establish a mint ; and
3. That he should allow the *Zamindars* to grant to the Company the villages in the vicinity of Calcutta given by the Emperor's *firman*, but not allowed possession by the Subedar.

Seraj-ud-daulah, however, did not respect the treaty and hostilities soon broke out again. Colonel (afterwards Lord) Clive, shattered the strength of Seraj-ud-daulah on the field of Plassey and made Mir Jaffer the Subedar of Bengal. Seraj-ud-daulah was captured on his flight, brought to Murshidabad and was assassinated by Miran, the son of Mir Jaffer. By a treaty concluded between the English and Mir Jaffer it was agreed that

1. The Subedar shall grant to the Company the land within the Mahratta ditch and six hundred yards without the ditch ;
2. He shall allow the Company the *Zamindari* rights over the land lying

to the south of Calcutta as far as Kalapi on the same terms as were given to other farmers or *Zamindars* on payment of a yearly tribute of a sum of Rs. 2,22,938.

Mir Jaffer was found to be incapable of managing the Subedari of Bengal and when his son Miran died he showed his incapacity in every branch of administration and the condition of the country grew from bad to worse. He was dethroned and his son-in-law, Mir Kasim, was made viceroy of Bengal on the 27th September, 1760. About this time (1759) Bihar was invaded by Mohammed Ali Gohur assisted by the Subedar of Oudh ; but the Subedar deserted him, on Clive's marching to Patna. The Prince was forced to throw himself on the mercy of Clive and he sent him an offer of five hundred gold Mohurs. In the following year, the same prince, on assuming the kingship of Delhi, again invaded Bihar, but was repulsed and defeated by Colonel Calliaud.

Grant of a Feudal Jagir to the Company.—In 1760 Mir Kasim granted to the Company feudal *Jagir* comprising the three districts of Burdwan, Midnapore and Chittagong, to meet the charges of the army and provision for the field. In a battle in 1761, the forces of the Emperor of Delhi were again defeated by Major Carnac and as a result of this a peace treaty was concluded. The Emperor acknowledged Mir Kasim as the Subedar of Bengal, Bihar and Orissa on his undertaking to pay to the king a

yearly sum of rupees twenty-four lakhs. The Emperor proposed to offer to the Company the *Divani* of Bengal, but it was actually conferred in 1765. Mir Kasim, however, soon began to quarrel with the English and as a result of serious disputes war broke out wherein he was defeated. He then fled to Oudh and his father-in-law, Mir Jaffer was again installed as Subedar of Bengal, Bihar and Orissa. Mir Jaffer died in 1765 and was succeeded by his son Nadjam-ud-daulah who transferred all military arrangements for the defence of the provinces to the British and undertook to maintain, only as much as was absolutely necessary for the dignity of his person and for the collection of the revenue.*

British penetration into other parts of India.—After the death of Aurangzeb the Mughal empire broke into pieces. The Subedars assumed independent powers, petty rajas began to assert themselves as independent chiefs and the Mahrattas and Sikhs assumed great power. Nadirshah defeated the Mughal army in 1739 and after a general massacre looted the inhabitants, rich or poor, for fifty-eight days. This gave a death-blow to the Mughal power in India. For many years, there was nothing but disorder, anarchy, robbery and massacre in India. This was a very tempting

* This whole is based on the information contained in History of British India by C. Macfarlane, Field's Landholding and England and India published by Longmans, Green & Co. Succeeding paragraphs will also be based on these.

offer for everybody who could seize the opportunity and assume kingship of India. Thus various native chiefs and clans including the Rajputs, the hereditary and oldest ruling classes in India as well as the French and the English began competing with one another for supremacy in India.

In 1744, Fort St. George at Madras was bombarded for five days by Labourdonnais, French Governor of Mauritius and Bourbon who captured Madras, but restored it to the English on paying a fixed ransom against the very wishes of Dupleix, the French Governor in India. Soon after M. Dupleix routed the army of Nawab of Arcot who was a British ally and invaded Madras. The British Governor and his men were all taken as prisoners and exhibited at Pondichery before Dupleix. The French seemed to be gaining an upper hand, but in 1747 the arrival of an English squadron under the command of Admiral Griffin, made Dupleix tremble for French possessions. A fitting reply was given to the French by the English who besieged Pondicherry which was, however, given up after a siege of 31 days.

With sufficient force with them, the English promised help to Sahuji, ruler of Tanjore, against his brother Pratapsingh who had dethroned him. The price of this aid was fixed as the transfer of the fortress of Devi Cotiah to the English but the latter unexpectedly abandoned the side of Sahuji, took him prisoner and aided Pratapsingh on the latter

agreeing to yield to the English the town, fort and harbour together with the adjoining territory.

The seize of Arkot, the defeat of Chanda Sahib and his execution disheartened Dupleix who was recalled to France, and thereafter the English were left as the supreme foreign party contending for power in India.

In 1761, Sir Eyre Coote defeated Lally, the French General at Wandewash and this gave a death blow to the French ambition to acquire any territory or power in India. Having thus completely crushed the French power in India, the English from this time became supreme in Madras and Bengal.

In 1766 the English obtained from Nizamali on payment of tribute to him, the *Jagir* of Northern Circars. This brought the English into a conflict with Hyderali as they had pledged themselves for an offensive and defensive alliance with Nizamali. Hyderali was so powerful till 1769 that being apprehensive, of their future the English entered into an alliance with him.

It is difficult to give even a brief history of every happening which strengthened the British power in India, and therefore, with this brief survey of the Company's position, we pass on to discuss the point with which we are most concerned in this book.

The position of the Company before the grant of Dewani.—Lord Clive, the real founder of the British Empire in India, was responsible for securing for the Company the *Ijaras*, grants and feudal *Jagirs* as also certain additions by purchases. The position may be thus summed up :

1. The Company had obtained free tenure of the site of Calcutta.
2. The Company had obtained *Ijara Zamin-dari* of Twenty-four Parganas ;
3. The Company had obtained feudal *Jagir* for the military defence of Bengal, Bihar and Orissa. The military expenses were to be defrayed from the revenue of the three districts of Burdwan, Midnapore and Chittagong.
4. The Company had certain possessions of forts in the Madras Presidency ; and
5. The Company had certain plots of land and the city of Bombay in the Bombay Presidency.

The grant of Diwani to the Company.—From the position of ordinary traders in 1612 in which they came to India, the English in 1765 rose to the status and position of *Ijardars* and feudal *Jagirdars* as well as military commanders in India. In the year 1765, the titular king, Shah Alam, granted

to the Company the Diwani of Bengal. This *firman* of the grant of Diwani was as follows : -

“We have granted them the Diwani of Bengal, Bihar and Orissa from the beginning of the *Fasl-I- Rabi* (spring harvest) of the Bengal year 1172, as a free gift and *Allamgha* without the association of any other persons, and with an exemption from the payment of the customs of the *Diwani*, which used to be paid by the Court. It is requisite that the said Company engage to be security for the sum of twenty-six lacs of rupees a year for our royal revenue, which sum has been appointed from the Nawab Nadjam-ud-daulah Bahadur, and regularly remit the same to the royal *Sarkar* (Government) and in this case, as the said company are obliged to keep up a large army for the protection of the province of Bengal etc., we have granted to them whatsoever may remain out of the revenues of the said provinces after remitting the sum of twenty-six lacs of rupees to the royal *Sarkar* and providing for the expenses of the Nizamat.” *

Before proceeding further it is important to understand the meaning of (a) *Diwani* and (b) *Nizamat*.

*Aitchison's Treaties, Vol. I. p. 61. Field's Landholding, pp. 457-58.

(a) The Diwani was an office which had been created in 1579 by the Emperor Akbar, partly to assist but mainly to check the Nawab-i-Nazim of the Bengal *Subah* in his civil duties: the holder of the office, the Diwan, was the chief financial officer of the *Subah*, in charge of collection of revenues, supervision of finances and control of the expenditure. Thus he was a useful counter-balance to the Nawab who, being so far from imperial headquarters and not infrequently being a member of the royal house, was tempted to make himself independent of the central Government.¹

(b) "In order to understand this latter condition, we must understand what is meant by *Nizamat*. Under the Mohammedan Government, the Nazim was the chief officer charged with the administration of criminal law and police, just as the Diwan was charged with the administration of civil law and the collection of the revenue. The term *Nizamat* denoted 'the office duties' of the Nazim, the administration of Police and criminal law. In the palmy days of the Mughal Empire, it was usual to conduct the administration of the more distant *Subahs* or Provinces through a Viceroy or Governor called a *Subahdar*, who was occasionally a relation of the Emperor, and to whom were entrusted not infrequently both the *Diwani* and *Nizamat*. As Diwan he collected and remitted the revenue and administered civil justice. As

1. Studies in the Land Revenue History of Bengal by Mr. B. B. Hamsbotham. M. A., B. Litt. M. B. E.

Naib or *Nawab Nazim*, i.e., deputy of the minister for the administration of criminal justice and police, who was near the person of the Emperor, he administered criminal justice and managed the police of his province.¹

This practice is still in force in certain Indian States like Jaipur. The Chief Revenue Officer in Jaipur is designated as the *Diwan* while the District Magistrate is called a *Nazim*.

The English on receiving the *firman* of the Diwani, were appointed as revenue collectors of Bengal, Bihar and Orissa and were yet under the *Subahdari* of the Murshidabad *subahdar*. The Company paid to Nawab Nadjam-ud-daulah Bahadur who was still the *Nawab Nazim* of Bengal, Bihar and Orissa, a sum of Rs53,86,131/- as an adequate allotment for the conduct of the *Nizamat*. Out of this sum, Rs17,78,854/- were for the Nawab's household expenses, servants, etc. and Rs36,07,277 for the maintenance of horses, *sipahis*, (soldiers), peons, etc., for the support of his dignity. On the demise of Nawab Najmad-ud-daulah Bahadur, his brother Syeff-ud-daulah Bahadur was elevated by the Company to the vacant post of *Nawab Nazim*. His emoluments were reduced to Rs41,86,131/- and on his demise, his minor brother Mubarak-ud-daulah Bahadur was made the *Nawab Nazim*. In 1770, his emoluments were reduced to Rs31,81,991/- and thereafter only Rs16,00,000/- continued to be paid.

1. Field's Landholding. pp. 458-59.

to the *Nawab Nazim* for his personal and family expenses.¹

It is clear from the above that the English were not granted the proprietorship of land, it, indeed, being beyond the jurisdiction of the Emperor to grant any such right not enjoyed even by himself. The *firman* that we have quoted above *in extenso* distinctly mentions the grant only of Diwani *i. e.* the right to collect revenue. The early acts of the Company also show that the English had no right to interfere in the administration of criminal justice which was left in the hands of *Nawab Nazim*. It was thus wrong for Field and other writers to conclude that the grant of Diwani amounted to cession of the territory.

The English secured Dewani of Bengal, Bihar and Orissa at a time when the Mughal power in India was at its vanishing point. The Mughal Emperor, Shah Alam II, after granting the Diwani to the English, lived at Allahabad and later made over the provinces of Allahabad and Kora also to them. But this arrangement was short-lived and the Emperor on the advice of the Mahrattas, repaired to Delhi with the intention of regaining his ancestral throne, but it was all a mere dream. The Mahrattas were at best lukewarm friends of the Emperor with the result that he was blinded and imprisoned by Rohilla Ghulam Kadir in 1787.

¹ Field's *Landholding*, pp. 459-60, note 4. See also Aitchison's *Treaties*, Vol. I. pp. 65, 67 and 69.

The English, on the other hand, stopped the tribute of Rs26,00,000/-. The English, however, on hearing about the miserable condition of the Emperor, gained possession of Delhi and freed him in 1803 and, at the same time, granted him a pension. This was continued to his son Akbar II after his death in 1806 and to Bahadur Shah II in 1837 which was finally stopped after 1857 when it was found that he joined the mutineers.

It is clear, therefore, that the English soon became masters of the tracts which were originally entrusted to them under the name and style of Dewani grant. They thus became rulers and according to the established laws and customs of the country, were entitled to receive no more than land revenue from the ryot--peasant proprietors--of the provinces for the protection afforded by them to the people.

Early revenue policy of the Company.—(When the English were granted the Diwani of Bengal, Bihar and Orissa by the titular Mughal King, the Officers of the Company were unacquainted with the land-revenue administration of the country. The system of realization of land-revenue introduced by Akbar the Great, fell into disuse during the period of anarchy after the decay of Mughal power in India. The peasantry was subjected to ruthless oppression by the landlords and Zamindars in order to find money for the maintenance of their power and hold over the estates inherited or got by them.

either as assignments or farms from the Mughal Kings. The English had, therefore, to face a peculiar position in formulating a definite policy of the land-revenue administration of the country.)

Lord Clive, in 1766, held a *Darbar* at Motijhil near Murshidabad for settling and commencing the collection of the land-revenue. The system in vogue was kept till 1769 and revenue was realized through Indian Naihs stationed at Patna and Murshidabad. On the 16th August, 1769, English supervisors were appointed under the British Residents to supervise the work of Indian employees of the Company. A letter of instruction was issued to these newly appointed supervisors which is a document of very great importance and we need no apology to reproduce extracts from it. According to this letter of instructions these supervisors were to : -

- (1) Prepare a summary history of the province giving an account of the ancient constitution, the rulers, the order of succession, the revolution in their families, and their connections, their peculiar customs and, in short, every transaction which could serve to trace their origin and progress;
- (2) Examine the state, produce and capacity of the lands; the amount of the revenues, the cesses or arbitrary taxes and of all demands made on the ryot either

by the Government, the *Zamindar* or the Collector, as well as the manner of collecting them;

- (3) Enquire into the gradual rise of every new impost;
- (4) Fix the amount of what the *Zamindar* receives from the *ryot* as his income or *emolument*; wherein they generally exceed the bounds of moderation, taking advantage of the personal attachment of their people, and of the inefficacy of the present restriction upon them; since the presence of the *Amil* more frequently produces a scene of collusion than a wariness of conduct,convince the *ryot* that the English supervisor will stand between him and the hand of oppression; that he will be his refuge and the redressor of his wrongs; that the calamities he has already suffered sprang from an intermediate cause, and were neither known to nor permitted by the Company, that honest and direct application to him would never fail to produce speedy, and equitable decisions:—that after supplying the legal due of Government the peasant may be secured in the enjoyment of the remainder; and impress on the *ryot* in the most forcible and convincing manner that the Company, desired to

promote his peace and welfare, that the object of the Company is not to increase rents or demands, but solely by fixing such as were legal, explaining and abolishing such as were fraudulent and unauthorised, not only to redress his present grievances but to secure him from all further invasions on *his property*.

Another significant paragraph of this letter ran: "Your commission entrusts you with the superintendence and charge of a province, whose rise and fall must considerably affect the public welfare of the whole. The exploring and eradicating of numberless oppressions which are as grievous to the poor as they are injurious to the Government, the displaying of those national principles of honour, faith, rectitude and humanity which should ever characterise the name of an Englishman; the impressing of the lowest individual with these ideas, and raising of the heart of the *ryot* from the oppression and despondency to security and joy, are the valuable benefits which must result to our nation from a prudent and wise behaviour on your part. Versed as you are in the language, depend on none where you yourself can possibly hear and determine. Let

access to you be easy, and be careful of the conduct of your dependants. Aim at no undue influence yourself and check it in all others. A great share of integrity, assiduity, disinterestedness, and watchfulness is necessary, not only for your own guidance but as an example to all others, for your activity and the advice will be in vain unless confirmed by example.*

These instructions from which extracts have been reproduced above, exhibit the high ideal of protection of the *ryot* the English had at heart. The administration of these provinces was, however, not under the Crown of England but under a merchant company established to make profits and declare dividends and accordingly these high ideals were not kept up to the British standard of peasant protection. In 1772 the designation of these supervisors was changed to those of 'Collectors'. They did not continue in office for a long time and in 1773 they were discharged and withdrawn. The collection work was left to the care of *Amils* as in the Mughal days.

Company adopts collection of revenue by farming.—(The aim of the East India Company was to make the largest profits with the least trouble and exertion. This, it appears from a paragraph in Field's Landholding, was the sole object of farming out the revenues of the country.) He says: "There is no

*Field's Landholding, pp. 464-68.

doubt that the mode of letting the lands in farm is in every respect the most eligible. It is the most simple, and, therefore, the best adapted to a Government, constituted like that of the Company, which cannot enter into the details and minutiae of the collections. Any mode of agency, by which the rents might be received, is liable to uncertainty, to perplexed inextricable accounts, to an infinity of little balances and to embezzlements ; in a word, both the interest of the State and the property of the people, must be at the mercy of the agents. Nor is it an object of trivial consideration that the business of service, already so great that much of it is unavoidably neglected, would thereby be rendered so voluminous, and the attention of the Board so divided that nothing would be duly attended to ; the current affairs would fall into irrecoverable arrears, the resolutions upon them be precipitate and desultory, the authority of the Government set at naught ; the power which it must necessarily delegate to others would be abused ; and the most pernicious consequences ensue from the impossibility of finding time to examine and correct them. That such would be the case, we with confidence affirm, since we already experience the existence of these evils in part from the great increase of affairs, which has devolved to the charge of this Government".¹

(It is clear from the reasons given that the sole aim of the Company was to get an assured revenue

¹. Field's Landholding, pp. 478-79.

through whatever means it could and the interests of the *ryot*, it is clear, were neglected.)

Quinquennial settlement of 1772.—(With the sole aim of assuring themselves of the fixed amount every year from the land, the officers of the Company carried out a five-year settlement with the farmers and *Zamindars*.) (Experience showed this to be a mistake. Ignorant of the real capabilities of the country and incited by the hopes of the same profit which was formerly to be reaped under a Government which was not keen to punish oppression and extortion practised in collecting its own dues, speculators readily agreed for sums which they found themselves utterly unable to pay when the time for payment came.¹) (The result was that the settlement with the farmers, the demand being in excess, failed as admitted by Warren Hastings.²) The Company issued certain instructions through resolutions as have been recorded in the Calcutta Committee of Revenue Consultations and in the proceedings of the Committee of Circuit. They may be reproduced below from Miss Monckton Jones' book.³

1. Farms to be let out on lease for five years;
2. Farms not to exceed the value of one lakh;

1. Field's *Landholding*, pp. 480-81.

2. *Birminger* i. pp. ccxxv to ccxxxii.

3. Hastings, in *Bengal*, note, pp. 274-75; also Ramsbotham, pp. 27-28.

3. A committee of Circuit to be appointed...
4. & 5. (Name of Committee and districts to be visited)
6. Supervisors to be known henceforth as 'Collectors'.
7. A Diwan to be appointed who shall be joined with the Collector;
8. A public seal of the Company to be used with every transaction;
9. Sepoys not to be employed in the collections, except in urgent cases, and by warrant under the public seal;
10. The rents of ryots to be fixed and and not exceeded on pain of the forfeiture of the farmer's lease;
11. The farmer's rents also to be fixed according to the rent-roll of the lease;
12. No *Mathols* (i. e. additional cesses) to be permitted. The existing ones to be scrutinized by the Collectors and abolished if found pernicious;
13. *Nazars* and *Salamis* (presents) at first interviews to be discontinued;
14. The old farmers to settle the rents in the presence of the new farmer

who is to be responsible for any outstanding balance;

15. A *Mohurrir* (account clerk) to be appointed to every farm to note receipts of rents and to send monthly accounts to the Collector at the district Sadar Cutchery;
16. Collectors to be forbidden to purchase grain on pain of dismissal;
17. No *peshkar*, *banyan* or other servant of a Collector is to farm any land.
18. The Committee are to search out means to obviate usury; Collectors' *banyans* to be forbidden to lend money, but farmers to continue the usual *taccavi* (i. e. an advance for seed and working necessities). to ryots;
19. *Kisls* (Instalments of revenue) to be paid at the harvest time;
20. A list of assigned lands to Government servants (*Chakran zamin*) to be made;
21. All Zamindari *chaukis* (toll bars) except those immediately dependent upon Government, to be abolished;
22. All orders and changes to be advertised by the Board of revenue.
23. Collectors to submit the rent-roll of

each farm arranged in Parganas, and the changes of the collection to be entered;

24. Dacca district to be specially considered.

These instructions and resolutions have been very ably scrutinised in the light of the result they achieved by Mr. Ramsbotham and no apology is needed to reproduce his observations here : ¹

No. 2 was never put in force;

No 7 divided authority and increased intrigues.

No. 9 was honoured in the letter but not in the spirit: the records of the Board from 1772—74 contain frequent references to peons* and *harcaras*† being quartered on refractory Zamindars: confinement was common and the Collector openly informed the Board that he used all possible severity “short of corporeal punishment” to induce the Zamindars in his district to pay. The farmers were forbidden to use *sepoys* to collect from the ryots, but as Mr. Higginson, Collector of Birbhum,

¹ Cf. Ramsbotham pp. 28-30.

* Minor Court Officials.

† Bailiffs.

pointed out, no ryot could hope to defy a Zamindar or Taluqdar or farmer; so the prohibition amounted to very little;

No.10 was nugatory. The Company never knew what the ryot paid and never succeeded in introducing a standard lease; this regulation sounds peremptory but was incapable of being carried into effect so long as the entire records of the land-revenue were in the hands of the *kanungos*;

No.12 The abolition of cesses might be proclaimed, but could never be enforced so long as the ignorance of the actual revenue paid, prevailed. "As the Commission of 1776 disclosed, the abolition of a cess was made frequently the opportunity of increasing the sums extorted from the unfortunate ryot;

No.15 introduced a fresh element of corruption. A man on Rs20/- a month was appointed to record the actual receipt of rents by the farmer and to report the sum so received to the Collector. No single report would be worth the paper on which it was written.

No.17. This ordinance could never be enforced ; the *banyan* could, and did, always hold and farm lands in a relative's name: the *banyan** of the Governor himself was a notorious farmer and continued to hold his farms long after the date of this edict ;

No.18. This edict could not be enforced: those who know the collusive methods which prevailed in Bengal at this period, can only be surprised that such experienced men as constituted the Committee, thought it fit to issue such a general prohibition: they might as well have published the eighth Commandment 'for general information'.

No.19, 20, 21, and 22 were beneficial ordinances of a practical nature not dealing in vague prohibition.

The evil effect of farming system.—The system of indiscriminate farming to the highest bidder and putting him in sole charge of the destinies of

* Krishna Kanta Nandi, the notorious 'Kantoo Babu' who in 1774 was proved to be holding farms of the value of Rs. 13, 33, 664 : three of these were over one lakh each in value. Other influential employees like Ganga Gobinda Singh and Devi Singh held very large farms. (Even Collectors held farms in the name of fictitious persons or petty officials.

thousands of ryots was the most pernicious system ever known in the history of India. "In fact, they had introduced a more evil element," says Mr. Ramsbotham, "than had hitherto existed, by the putting up of the revenues to public auction. The revenues had been farmed long before the Company's days, but farmers had been selected by the Government from men of position who knew the land. The new regulations introduced by the Committee of Circuit, made it possible for any man to bid for the land. Those who know India will realize the consternation * which such a change must have created in all classes except speculators. Men who were mere no-bodies, now bid for and obtained farms: many were speculators from another part of the country, whose sole object was to squeeze out every anna from the land and its cultivators, utterly careless of what resulted so long as their speculation was successful. Others bid from malicious and hostile motives in order to turn out or embarrass some Zamindar against whom they had a grudge: in a word, the land-revenue was placed at the mercy of every kind of disreputable gambler." ¹

Mischief of Farming System realized by the Company.—(During the currency of the quinquennial settlement the Governor-General and Council of the East India Company realized the mischief of farm-

* Mr. Samuel Middleton's letter to the Board of Revenue from Murshidabad Division. See Governor-General's proceedings of 7th April, 1775.

1. Ramsbotham. p. 30.

ing and short settlement. They were rightly of opinion that 'this system was calculated to subject the cultivators of the soil to rigour and exaction and discourage all improvements of agriculture, and consequently was inimical to the general prosperity of the country'.) (But unfortunately, the Governor-General and the Council reached a hasty conclusion to conclude a life settlement with the Zamindars and submitted a proposal to this effect in 1776 to the Court of Directors who replied that "having considered the different circumstances of letting the lands on leases for lives or in perpetuity, they did not, for many weighty reasons, think it at present advisable to adopt either of these modes." The quinquennial settlement expired in 1777 and thereafter annual settlements were made for several years, preference being given to the Zamindars *i. e.* old and new revenue contractors.) This was a most reprehensible and cruel act of the officers of the East India Company to continue a system which they themselves had realised to be detrimental to the best interests of the ryots in India.)

What did the English do for India during this period.—The British statesmen in England realised the greatest hardship to which the ryot of India was subjected at the hands of the employees of the East India Company. From 1772 to 1786 the East India Company was subjected to much attention by the British Parliament. We read: "This was, the period which saw the Company subjected to a minute and

severe inspection at the hands of Parliamentary Commissions, the Select and Secret Committees of 1772, and Select and Secret Committees of 1781. Each occasion was followed by a great statute and an attack upon a great individual. In 1772, we have the attack upon Clive, followed by the Regulating Act of 1773. After 1781 we have Pitt's India Act of 1784 followed by impeachment of Warren Hastings."¹ (The Lord North's Regulating Act of 1773 was set at naught by the officers of the East India Company, and against the spirit, of the Act which was designed to 'establish a regular system of administration and justice' according to the established laws and constitution of the country, the officers of the East India Company deprived the peasant proprietors of their birth-right which was respected from time immemorial by every king who ruled in India and farmed out lands to gamblers and speculators. There could not have been any more serious and grievous crime than to deprive the teeming millions of their hereditary rights and to reduce them from proprietors of the soil to serfs under the land-revenue contractors.)

Mr. Burke reminded the Parliament that these old established laws and constitution of India must be respected. He said: "Let me remind your Lordships that these people lived under the laws to which I have referred you, and these

1. Cambridge History of India, V, 181.

laws were formed whilst we, I may say, were in the forest." Regarding the pernicious system of farming Mr. Burke said: "An endless, hopeless prospect of new flights of birds of prey and passage, with appetites continually renewing for a food that is continually wasting.....the cries of India are given to seas and winds to be blown about in every breaking up of the monsoon, over a remote and unhearing ocean. ¹ ..

But these criticisms and the Regulating Act of 1773 did not have any effect upon the policy of the East India Company. (Far from being influenced in the desirable direction the Board of Directors of East India Company in London forbade making the minute scrutinies such as those contained in the letter of instructions issued earlier to the supervisors. They directed the officers in India to lease out lands to the highest bidder and turn out as much profit as was practicable, happen what might to the ryot. In 1770 there came a great famine in Bengal, and as a result of this devastating calamity, one-third of the population of the province perished. In spite of this devastating calamity the receipts for 1771-72 exceeded those of 1768-69 and 1769-70.) (This increase is attributed in a letter dated the 3rd November, 1772 from the President-in-Council to the standard of collection being maintained by

¹ Cambridge History of India V, 198.

violence and oppression.”) The Company, both officers and Directors, wanted return on their capital invested as shares, and the sole object of the officers was to please their masters and find as much money as possible. (The motto of the Company was that: “The revenue is beyond all question the first object of Government.”¹)

.. An English Officer thus sums up the position: “It will be admitted, therefore, that the Company’s district officers during the period 1772-1774 were, alive to the faulty methods of collection, to the oppression and mismanagement which harried the ryots, and that they freely reported the result of their observations to head-quarters. The Board’s position was difficult: the good they would they could not: their masters at home were not easy to serve and expected a good return for their outlay, but when all is considered, revenue policy of Hastings and the Committee of Circuit in Bengal and of the Directors at home cannot be called satisfactory; its fundamental error was a steady determination to concentrate the administration of the land-revenue, collections at Calcutta, at the expense of an efficient administration in the districts.”²

Pitt’s India Act of 1784.—The agrarian unrest

1. Cambridge History of India XXX. 415.

2. Ramsbotham. pp. 32-33.

in India due to severe oppression again attracted the attention of certain noble British statesmen like Messrs. Burke, Sheridan, Fox and Pitt. When the Regulating Act of 1773 became a dead letter due to the adverse policy of the Company's officers and Directors, it became necessary to bring out a more stringent Act to suppress the evil activities in India. Warren Hastings went to England and was tried in 1781, and soon after a new Bill was introduced in the Parliament. Fox condemned high-handed actions in India as 'a system of despotism, unmatched in all the histories of the world' and he styled Hastings as 'a man who by disobeying the order of his employers, had made himself great'. In a speech Mr. Fox said: 'The Indian people, in spite of every exertion both of the legislature and Court of Directors, groan under the scourge, the extortion, and the massacre of a cruel and desperate man, whom in my conscience and from my heart I detest and execrate'.¹

(Fox introduced his India Bill in the Parliament on the 18th November, 1783. It was passed by the House of Commons, but was rejected by the House of Lords. Pitt, the greatest British politician and statesman of the day, came in office and passed his famous Act in August, 1784. Section 39 of this Act² required the East India Company to take immediate measures "for settling and establishing upon principles of moderation and justice, according

¹ A. Cambridge History of India, v. 196.

² A. 24 Geo. III, c. 25, s. 39.

to the laws and constitution of India, the permanent rules by which the tribute, rents and services of the Rajas, Zamindars, Polygars, Taluqdars, and other native landholders should be in future rendered and paid to the United Company". This Act by section 39 gave definite orders to the East India Company to make rules according to the 'established laws and constitution of India' which means that the rights in land of the various classes of people of the country were definitely to be taken into consideration before any rules were framed and given the force and sanctity of Law. The laws and constitution of India from time immemorial as will be found embodied in the Hindu and Muslim scriptures was that, 'the king or landlord had no proprietary right in the land. The land belonged to the cultivator and the land-tax to the king or his vassal chief for the protection afforded by him to the ryot'. (According to this Act, which is the Magna Carta for the peasant proprietors in India, the farmers, whether created by the East India Company, or by the Mughal kings, were to go at once.) (Immediately this Act came on the statute book, the farmers or *Ijardars* lost all claims to have any right to receive land-revenue from the ryot. The military tenure-holders lost their title to the land, because they no more rendered that military service to the king of the country for which assignments were made to them. The other service-tenures terminated with the close of the office over which they used to preside. They lost all title to receive any

emoluments either in the shape of *Jagir* or cash immediately they were brought under reduction. This Act clearly directed the East India Company to make settlement with the ryot who were the real proprietors of the land. Under the provisions of this Act, therefore, the Company was bound to make a settlement with the ryot—the real proprietors of the land—under the established laws and constitution of India, dismiss the former *Ijardars*, *Jagirdars*, *Zamindars*, *Istamrardars*, *Pattedars*, *Mamlaguzars*, *Malguzars*, *Khatedars*, *Taluqdars*, and others of the same illegal origin and free the peasant proprietors from the oppression of these usurpers.)

(What did the Company do.—The Court of Directors of the Company directed the Governor-General in India to

1. conduct an enquiry into the condition of the landholders and other inhabitants residing under the authority ;
2. investigate and prepare permanent rules for the settlement and collection of the revenue ; and
3. hold an enquiry into the system of administration of justice

founded on the *ancient laws and local usages of the country.*¹

¹ Field's Landholding, p. 487.

Collectors reappointed.—The Company had come to be placed at the mercy of Zamindars and farmers after the Collectors were reduced and recalled. Mr. (afterwards Sir John) Shore stated that the Company possessed less information of the country in 1782 than it did in 1774, and as the Act was passed in 1784, the necessity arose for making investigations which was impracticable without responsible agents of the Company stationed in the mufasil. The Collectors were accordingly reappointed in 1786. A Board of Revenue was appointed in 1786 which took up the work of the Committee of Revenue and was presided over by a member of the Government.)

Investigations by the Company.—The Company's Government had not got sufficient information of the provinces at this time. The Government were not in a position to decide upon any one system of administration of the country. Mr. (afterwards Sir) John Shore in his minute of the 18th June, 1789 said: "Our administration has hitherto been fluctuating and uncertain. An idea of improvement has been hastily adopted, unsteadily pursued, and afterwards abandoned from a supposed defect in principle. New measures have been substituted, followed, and relinquished with the same facility; and the natives, from these variations, with every succession of men, except a change of system". This shows that the system of farming or,

1. Mr. Shore's Minute of 18th June, 1789. Field, Note, p. 488.

a settlement with the Zamindars proved a failure. Realising these defects and as a result of his investigation, Mr. Shore said: "The rent of the land, through whatever channels it passes into the public treasury, is paid originally by the ryots or the immediate cultivators of the soil. Their situation not only on this account, but as being the most helpless and most exposed to oppression, ought naturally to attract the attention and engage the interest of the ruling power" ¹ "I do not observe in the correspondence of the Collector any specific rules for the security of the ryots. I well know the difficulty, of making them, but some must be established. The great point required is to determine what is and what is not oppression so that justice may be impartially administered according to fixed rules".² "Until the variable rules adopted in adjusting the rent of the ryot are simplified and rendered more definite, no solid improvement can be expected from their labours, upon which the prosperity of the country depends. The difficulties attending this task are allowed by all who have had experience of it; nor is much required to know that, to make an adjustment between two parties, where one fears and each suspects the other, in a country too, where every innovation is received with disgust and apprehension—local information, assiduity and perseverance are indispensable requisites"³

¹ 1. Mr. Shore's Minute of 18th June, 1789. Field. Note, p. 488.

² Ibid, 18th September, 1789.

³ Ibid, 8th December, 1789.

(Sir John Shore, perhaps the ablest member of the Council of Lord Cornwallis, gave these opinions for the protection of the ryot but it is a matter of great regret that these were turned down and without carrying out the investigations in fuller detail as desired by the Court of Directors in compliance with section 39 of Pitt's India Act. Lord Cornwallis hastily came to the conclusion that the Zamindars—originally land-revenue contractors or farmers,—should be recognised and revenue settlement made with them. This gave the death blow to the rights of the peasantry of Bengal, nay, the whole of India, and this decision of Lord Cornwallis sealed the fate of the peasant proprietors who lost their birth-right, freedom, property and what not which they had enjoyed from time immemorial. As a result a permanent settlement was made with the Zamindars) which is fully discussed in the next chapter.

Review of the condition in other parts of India.—When the British were thus ruling Bengal, they were increasing their territory, influence and power in other parts of India also. At the time of the departure of Warren Hastings from India, the British dominion extended over Bengal, Bihar, Orissa Benares in the east of India; in Madras, over the Northern Circars with the exception of Gooldnur Circar and in Bombay over Sasette and Rassein. The territories of the Nawab Vazier of Oudh, the Nawab of Arcot, and the Raja of Tanjore were under their protection.

CHAPTER VI.

BRITISH PERIOD (*Continued*)

From A. D. 1791 to A. D. 1857.

Permanent Settlement in Bengal—A great mistake.—(The Permanent Settlement in Bengal with the Zamindars—the original land-revenue contractors or farmers and a few military feudal lords—was the greatest mistake ever committed by the British in India. It would have been a blessing of far-reaching importance if the same permanent settlement had been made with the cultivators who were the real proprietors of the soil.) Lord Cornwallis was sadly mistaken in his belief—if it was his belief—that the ‘landlords had a claim to a certain percentage of the produce of the land under their sway’. According to Hindu and Muslim scriptures, which we have repeatedly quoted in the earlier chapters, the landlord or even the King can claim right to land-revenue only if he renders service for the protection of the ryot. The Zamindars of Bengal admittedly originated from the stock of farmers or land-revenue contractors and as such they were only agents of the Crown for the realization of land-revenue. We have shown at length that these contracts were terminable and many of these Jagirdars, Zamindars, and Pattadars were dispossess-

ed of their *Jagirs* during the Mughal period. The Bengal Zamindars were the creation of the period when there were anarchy all over the country after the decay of Mughal power in India. Mr. (afterwards Sir John) Shore admits that 'most of the considerable Zamindars in Bengal may be traced to an origin within the last century and a half. The extent of their jurisdictions has been considerably augmented during the time of Jaffer Khan, and since, by purchases from the original proprietors, by acquisitions in default of legal heirs or in consequence of the confiscation of the lands of other Zamindars. Instances are even related in which Zamindari's have been forced upon the incumbents.'¹

"Since the decline of the constitution in the reign of Farokhsir and the introduction of the *Farming system* at the recommendation of Ratanchand, when corruption pervaded every department of the States, the unprincipled Zamindars, by ingratiating themselves with the *Amils* or rulers for the time being, distressed the inferior Zamindars by every possible mode, until they were reduced to the necessity of selling their Zamindari's to their oppressors, who thenceforward became by virtue of usage, *not of right*, their acknowledged proprietors. Other Zamindars, having disolated their lands by mismanagement and dissipation, were obliged by the ruling power to dispose of them to more prudent and opulent Zamindars for the liquidation of their balances. The title of the purchasers of such land

1. Mr. Shore's Minute of the 2nd April, 1788.

was considered good and valid. Towards the close of the reign of Mohammed Shah, during the administration of Ramnarain and Jankiram and other Nazims of the Behar Province, certain Zamindars by attaching themselves to these officers acquired great influence, and either by force or under different pretences, unjustly possessed themselves of the inferior landlords, till at length becoming rich and powerful through connivance of the Nazim, who permitted these usurpations, they declared themselves the proprietors of the lands thus unfairly acquired. It was by the above modes that many Zamindars of this province augmented their possessions." ¹

It is clear that the Zamindars of Bengal, Bihar and Orissa are mostly of recent origin and their possessions are the result of fraud committed by them upon the older possessors. The point for further consideration is whether even the older possessors had any right to alienate their property by sale either willingly or under coercion as was the case. We have repeatedly asserted that the majority of the holders were the original farmers or land-revenue contractors and as such were holders of the tracts under trust, the proprietary rights of the soil being vested on the actual cultivators and the revenue rights to the Crown. In such circumstances all usurpations, either by fraudulent purchases

¹ 1. Answers to questions put to Ghulam Hosen Khan, the historian son of Fakhar-ud-daulah, formerly Nazim of Bihar.
 2. See Field's Landholding. Note, pp. 505-6.

or acquisitions in other ways were illegal and did not give them any title to the proprietorship of the Zamindaries under their charge for the time being. The assumption of Lord Cornwallis was, therefore, incorrect.

(That the Permanent Settlement was a great mistake is proved by the observations of other British statesmen of practical Indian experience. Sir Edward Colebrooke said: "The errors of the Permanent Settlement in Bengal were two-fold: *first*, in the sacrifice of what may be denominated the yeomanry, by merging all village rights, whether of property or occupancy, in the all-devouring recognition of the Zamindars' paramount property in the soil; and *secondly*, in the sacrifice of the peasantry by one sweeping enactment, which left the Zamindar to make his settlement with them on such term as he might choose to require.") Government, indeed, reserved to itself the power of legislating in favour of the tenants; but no such legislation has ever taken place: and, on the contrary, every subsequent enactment has been founded on the declared object of strengthening the Zamindars' hands.")¹ This shows that either the Permanent Settlement of Bengal was concluded by the Government in utter ignorance and was thus a great mistake or was made deliberately with the Zamindars with the knowledge of their status, rights and privileges and if this

1. III. Revenue Selections, p. 167; Field's Landholding p. 53.

was correct, the Government of the day committed a double blunder.

Was the Settlement with the Zamindars intentional?—(The Permanent Settlement with the Zamindars was concluded for two obvious reasons. The first was that the Company wanted to have an assured income from their possessions in India and the second was that the Company did not want to arouse the suspicion of the Zamindars regarding the intentions of the Company.) The desire of the Company for an assured income has already been discussed in the previous chapter and the following extracts will show the truth of the second statement: ("The reason for the Directors' prohibition was that they were afraid lest the suspicions of the Zamindars should be aroused,—lest the Zamindars should distrust the promise of a Permanent Settlement at a fixed amount of revenue, and should come to think that the English would avail themselves of the information thus obtained to increase the revenue afterwards."¹)

(The Government could have secured the first object, *i. e.* that of an assured revenue even by making a settlement with the ryot, and as regards the suspicion or mistrust of the Zamindars, this was of secondary importance. A fraction of the population who were nothing short of speculators and gamblers and were, in a way, usurpers, might

¹ Field's Landholding, p. 469. Note. Discussion on Shore's Minute of 18th June. 1789.

well have been left to grumble, and settlement made with the ryot.) It may be admitted that the settlement with the Zamindars was not intentional but it was a great mistake due to gross ignorance of the established *laws and constitution* of the country regarding the proprietorship of the land.

The mistake of concluding a settlement with the Zamindars was realised by the Company after the Permanent Settlement had actually been concluded. The Court of Directors says: "In adverting to the mistakes which were made in forming the Permanent Settlement of the lands in Bengal, it is important not to lose sight of the causes from which those mistakes arose; and we are warranted not only by general probability, but by the recorded confession of some of our revenue servants at the time, in imputing the errors in question to the want of information by the Collectors, *who were positively prohibited from resorting to minute local scrutinies for the purpose of ascertaining the resources of the country*"¹ They further say; "At the time when discussions took place on the subject of forming the Permanent Settlement in the lower provinces, the question was agitated whether the ascertainment of private rights ought not to have been carried into effect before the arrangement was

1. Field's Landholding, p. 489. (Revenue letter to Bengal dated January 6, 1815.)

concluded. Zamindari oppressions and abuses during the revolutions that had occurred in the Bengal province at periods not long anterior to the establishment of the British power, and the early measures of our administration had thrown such obscurity over the rights of the cultivators that it became difficult to define them.”¹

Economic effect of the Permanent Settlement.—The Permanent Settlement in Bengal was greatly detrimental to the interests of the cultivators who were the real proprietors of the land. In a province which is one of the richest provinces in India in the matter of fertility, the peasantry are the poorest of all. In the preface to *Land Tenure by a Civilian* it is asserted that the legislature delivered over as *tenants-at-will*, millions of free proprietors to the tender mercies of a race of tax-gatherers; and Mr. Mill, in his evidence before the Select Committee of 1830, said that the ryots were mere tenants-at-will of the Zamindars in the permanently settled provinces.”² Mr. Holt Mackenzie in answer to question No. 2670 said before the Commons Committee: “The amount demanded by the latter (the Zamindars) ‘has been left unsettled; the ryots of the lower provinces are left just as if the Permanent Settlement had never taken place, if not in a worse condition.”³) Mr. A. D. Campbell

1. Field's Landholding, p. 469.

2. Ibid. p. 532. ‘Note 9.

3. Ibid. p. 538, Note, 1. Appendix to Report of Commons.
‘ ‘ Answer to question no 2670.

said before the said Committee: ("The Permanent Settlement, whilst it shut the public treasury against any increased receipt from the land by commuting the Zamindars' variable payment, as the *hereditary contractor for the land-revenue*, into a fixed *Jama* determined irrevocably, entirely neglected to fix the amount payable by the cultivator to this *hereditary contractor*.") ("In spite of law and fact, the ryot can claim under the provisions of Lord Cornwallis' Code *no rights at all*. For the few privileges he may enjoy, he is indebted entirely to the forbearance or to the fears of his task-master, the Zamindar. ²⁾ (Italics are mine)

(The Permanent Settlement concluded with the Zamindars by Lord Cornwallis has been criticised by every sane statesman and opinions like those reproduced above can be multiplied.) (But it will appear even from the few that we have quoted above that responsible statesmen had all become conscious soon after the introduction of the baneful economic effect, of such settlement.) The position resulting from the date of enactment of the Permanent Settlement Regulations may be summed up as follows:—

1. ✓ The cultivator was reduced from the position of a proprietor of land to that of a tenant-at-will.

1. Field's Landholding A. D. Campbell. Appendix to Report of Commons, p. 106.

2. Ibid, Land Tenure by a Civilian. p. 104.

2. Landlords and Zamindars who were formerly mere land-revenue contractors were made proprietors of the land over which they had hitherto no right in law or custom.
3. The cultivators were left at the mercy of the landlord;
4. Government secured a fixed revenue for itself, but left the fixation of the revenue between the Zamindar and the cultivator to the sweet will of the landlord;
5. Imposition of *Abwabs* (illegal cesses) was prohibited, but in majority of cases they are still recovered on one pretence or another and in one form or the other.
6. The economic condition of the Bengal Zamindars has greatly improved as a result of the increase of commodity rates, but the condition of the ryot is going from bad to worse day by day;
7. An aristocracy never heard of in India, has been created who are luxury-lovers, indolent, unmindful of the interests of the ryot, and despots of the worst sort;

8. Middleman's profit which is pocketed by these newly-created proprietors of the land (Zamindars) and utilised in mostly unnecessary purposes, might have been utilised for public good like schools, hospitals and other improvement works had the settlement been made with the ryot. A few have gained at the expense of millions ;
9. Cultivators for ever have been reduced to a position of economic servitude.

These, are, in short, the results of an action taken by Lord Cornwallis either in ignorance of the facts or to please the Zamindars or to arouse the fixed income of the Company. It is a pity that no notice of section 39 of Pitt's India Act of 1784 was taken which clearly ordained to proceed and settle according to the *established laws and constitution of India*. This legislation of Permanent Settlement of 1793 is thus the greatest blunder ever committed by the British in India.

Permanent ryotwari settlement in Madras.—When Lord Cornwallis was carrying on his Permanent Settlement in Bengal with the Zamindars and Ijardars—the original land-revenue contractors—a different kind of settlement was being proclaimed by his own assistants in Madras. In 1792 Tippu was defeated and was forced to enter into a treaty which provided :

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1. That he should cede one-half of his territories to the English and their allies;
2. That he should pay three crores and thirty lacs of rupees to cover the expenses of war etc.
3. That he should unequivocally restore all the prisoners who had been taken by the Mysoreans from the time of Hyder; and
4. That he should deliver up, as hostage for the due observances of the treaty two of his eldest sons.

According to the terms of this treaty a large tract of the country in Madras Presidency came as ceded territory under the British Government. When these possessions came under British control, Lord Cornwallis deputed Colonel Read to make a settlement of Baramahal and Salem in 1792. While concluding the settlement Colonel Read issued the proclamation reading: "The assessment of every individual field in it (holding) when at the full rate, *is fixed for ever*, etc." This proclamation was issued by Colonel Read in 1796, i. e. three years after the Permanent Settlement in Bengal. It was confirmed by Sir Thomas Munro who declared that it was 'fixed' and 'permanent' and 'was literally accepted

by the then Government and the same view was expressed in the minutes of Board of Revenue dated the 5th January, 1818, the Administration report of 1855-56 and in the proceedings of the Board of Revenue dated the 15th July, 1857. The Madras Government (vide letter No. 241. dated 8th February, 1862) explained the ryotwari settlement of that presidency to mean a *permanent settlement*; it clearly said, "The leading characteristics of ryotwari tenure is the *permanency of the assessment*." On the 9th July 1862, Sir Charles Wood, the then Secretary of State for India ordered that a full, fair and equitable rent must be imposed on all lands under a temporary settlement, and that wherever this had been done, a permanent settlement of the revenues might be made." On a reference dated the 8th June, 1864 on the subject from the Governor-General-in-Council, the Secretary of State on the 24th March, 1865 (Sir Charles Wood) laid down the following rules for the introduction of Permanent Settlement: "The Districts were divided into three classes, viz., (1) districts in which agriculture was backward, (2) districts in which the estates were fairly cultivated and resources fully developed, and (3) districts which contained estates fairly cultivated and also estates with resources imperfectly developed. Immediate sanction for introduction of Permanent Settlement in the area of class (2) was given, but the sanction was refused in the case of class (1) land. As regards the third class the Govern-

General wrote that Her Majesty's Government "are prepared to authorise an immediate settlement on perpetuity after revision, for all estates in which the actual cultivation amounts to eighty per cent. of the cultivable or malgoozari area" and for the estates not fully developed, he authorised a settlement for a period of thirty years. The principle of permanence was accepted by Earl De Grey and Ripon, another Secretary of State for India and was reaffirmed by yet another Secretary of State, Sir Strafford Northcote and this last Secretary of State wrote that Her Majesty's Government was prepared to sacrifice prospect of an increase in land-revenue in consideration of the great importance of connecting the interests of the *proprietors of the land* with the stability of the British Government. ¹ (Italics are mine)

Contrast and result of Ryotwari system.—(The contrast between the Permanent Settlement of Bengal with the Zamindars and the Permanent Settlement of Madras with the ryot is startling.) (In Bengal the ryot was reduced to the position of a serf and his birth-right of the proprietorship in land was given away to the land-revenue contractors while in Madras, the ryots were acknowledged to be the full-fledged proprietors of their lands.) In Bengal he was made a slave while in Madras he became the master of his own house. In Bengal he was thrown at the mercy

¹ For fuller details see Land Tenures in the Madras Presidency by Mr. S. S. Jyengar. B.A., B.L.

of the exploiting landlords while in Madras his prosperity was assured under the benign British rule. In Bengal his land-revenue settlement was left to the discretion of the tax-collector (now made a proprietor) while in Madras his revenue was fixed in perpetuity. In Bengal the newly-created Zamindar was allowed to let out his waste land and thereby deprive the cultivator of his birth-right to graze his cattle free of charge in the waste land,—a privilege enjoyed by him from time immemorial, while in Madras, this waste land remained his property, as heretofore. What a striking contrast! On one side of India the British were worshipped as God incarnate while on the other side the cultivators, if not openly, in their heart of hearts became dissatisfied with the action of the British Government for the injustice done to them in snatching away their birth-right of peasant proprietorship which they had enjoyed from time immemorial)

Madras pledge broken.—(The two actions of the British Government in India were inconsistent with each other. It was thus reasonable that one of them must be broken and revised. It was an irony of fate that the Government thought of revoking the Madras pledge which was given by Colonel Read at Salem and was certified by no less an authority than Sir T. Munro, afterwards Governor of Madras.) In this connection Mr. R. C. Dutt, 'C.I.E.', I.C.S. (Retd.) wrote, as follows:

"The first point to which I desire to invite..... attention is the fact that this right of the Madras cultivator to a fixed, perpetual and unalterable assessment, recognised by the British Government during half a century, has been virtually confiscated by the British Government within the last forty years.

"I cannot believe that the British Government deliberately desired on this or any other occasion to violate a right which it had deliberately affirmed and recognised before. I am inclined to believe that in the Settlement and Survey operations which were introduced after 1857, the real position of the Madras cultivator was lost sight of, and rules were introduced to secure an increase of the land-revenue without an adequate consideration of the rights of the cultivator. So far as the Madras cultivators are concerned, there can be little doubt that the rights previously assured to them have in effect been withdrawn, and the pledge previously given to them has in effect been violated. And at the recent time, the Madras cultivator instead of holding 'his land in perpetuity without any increase of assessment', is subject to enhancement at each recurring settlement, and has been reduced to a state of poverty and indebtedness which makes him an easy prey to famines in years of bad harvests."

"If the Government had broken this pledge and simultaneously broken the pledge of Bengal also

and introduced in Bengal a ryotwari revisionary settlement, there would not have been any ground for serious complaint, as the middlemen would then have vanished and the cultivators would have been allowed a chance to plead their case to the Government direct in cases of any hardship; but in Bengal they were allowed to remain serfs while in Madras the rights which were given to them were snatched away. (This was not all. The Government unluckily introduced in Madras also the Zamindari system. This was an instance of again investing the land-revenue contractors with a proprietary right in the land which they did not possess either in the Hindu or Muslim period. This action of the Government was again in violation of section 39 of Pitt's India Act of 1784.)

The second mistake.—The insult of the Permanent Settlement inflicted on the ryot of Bengal, was added by an injury to them by Lord Cornwallis by abolishing the office of *Kanungos* and *Patwaris*. The *Kanungo* was a registrar or head of a group of *Patwaris* while the *Patwari* was the village accountant. As to the importance of the *Kanungo*, we read in the *Ain-i-Akbari*: "The *Kanungo*, is the refuge of the husbandman: there is one in every district." The duties of the *Kanungo* are thus described by Mr. Patterson in his report of 1787: The *Kanungo* keeps the "records which show and distinguish the distribution of

lands and farms (*ijars*), the names of the parties, and the nature of their tenure or trusts specifying what are under the *Khalsa* (headquarters of the revenue administration), what *Jagir* (feudal lands), or what are rent free; the records which state and particularise the quantity of land in actual cultivation, or quantity uncultivated or waste, the several kinds of produce of the spring and autumn harvests, with the price current of every article; the *Jama* or assessment and the rates of assessment; the particular of the *wasul baki*, i. e. the receipts and arrears of land-revenue; the progress of cultivation and the particulars of all losses or injuries to the revenue with the respective occasions of them." He had also to "record the genealogies of Zamindars, to register all grants of lands, charities or immunities and to keep copies of every paper which their duty obliges them to attest or authenticate: to keep regular counterparts of Government accounts and to transmit attested copies at regular intervals to the headquarters of the Government". They were further responsible for keeping the record in good condition, regular, up-to-date and in every way accurate. In short, "it appears that the objects of the institution was to benefit both the Sovereign and the subject; to be a chain to useful, and necessary information to the Government itself; to supply the want of personal experience under the frequent changes of its provincial ministers and agents, and to preserve the sources of its revenue from being dissipated

or destroyed by fraudulent alienations or embezzlements; to facilitate the administration of justice; and to give stability to property; to check the agents of Government employed in the collections, and *to defend the ryot from oppressive and illegal impositions* by affording him an appeal to the modes and rates of assessment as established and authorised by the Government.”¹

The revenue administration of the Mughals was based on such a well-recognised system of village records of rights and privileges, duties and dues entered in the register of the *Kanungo* which gave every detailed information, that an inspection of these registers would have given the new Government every information of the rights of the Zamindars into the lands. The British have nothing but praise for this system. Sir J. Macpherson, acting Governor-General wrote in 1786: “Nothing was more complete, more simple, correct, and systematic, than the ancient revenue system of this country. It was formed so as to protect the people who paid it, from oppression, and secure to the Sovereign his full and legal rights. The helplessness and the poverty of the native combined with the force of despotism which brought about such a system. For, to draw the greatest regular revenue from millions of unarmed cultivators and manufacturers a system was necessary that connected the security of every ryot or

1. Cf. Banerjee, pp 135-136.

peasant with the punctuality and equalisation of the payments. A thousand checks became necessary, from the accountant and assessor of the village through many gradations, to the Accountant-General of the Exchequer. Such was the nature of these checks, that if oppression had been committed, or a default of payment arose in any quarter the error could be found out by investigation and re-examination done of accounts, which were faithfully and regularly recorded in every district of the country, and thence transferred, through different offices, to the final grand account of the year, in the *Khalsa* or exchequer. This equal, regular, and just system arose originally, perhaps, from the mild principles of the Gentoo religion, which the ruling or the Brahman power found it necessary to accommodate for the support of the indolent and idle castes, to the equal assessment of the cultivation of the soil and the industry of the manufacturer. When the ruling power devolved upon chiefs not of the Brahman race and afterwards on the Mohammedan conqueror, both found it necessary to continue the original system.

This was the excellent system which was abolished by Lord Cornwallis and the reasons given were that the professional knowledge and privileges of the *Kanungo* have been used to build up a guild which abused the confidence of Government by collusion with the very men whom the office was instituted to keep in check, viz.,

* F. Fields Landholding pp. 443-44.

the Zamindars, and by purposely keeping the Government in the dark. "This may have been true and this we have lately experienced in the Jaipur State, where due to scanty information being supplied by the 'Diwan Hazuri Office' the Zamindars or Jagirdars of Shekhawati assumed more or less independent attitude and styled themselves as *Mamlaguzars* or tributaries to the Jaipur Darbar. This view was endorsed by very important British Officers like the British Residency, but thanks to Mr. C. U. Wills, to whom the Jaipur Government will always remain grateful, he has expelled this false notion and has clearly proved in his able report that these so-called '*Mamlaguzars*' of Shekhawati are none but the *Ijardars* of the Jaipur Darbar. But if the *Kanungos* were found to be in collusion with the Zamindars which was natural in a period when every one wanted to be king of India, it was open to the Government to substitute them by more honest men.

The *Kanungos* were not treated fairly. They were not paid by the East India Company their emoluments for years inspite of repeated representations, and finally they were dismissed and the order abolishing their order was issued on the 5th July, 1793. This action of the Council sealed for ever the fate of the ryot as most of the older records were naturally destroyed, thereby giving the Zamindars a better right in the land, as it became impossible to throw light on their

true origin without the most important records of the *Kanungo*. Under the authority of Section 16 of Regulation 3 of 1794, all the assistants were transferred to work under the Collectors and records were taken from the *Kanungos*. This Section proved a great mistake and the Government soon after had to re-appoint *Kanungos* in the ceded district of Benares. (Vide Regulation 4 of 1808 wherein it was provided that 'two *Kanungos* may be appointed for every *pargana*). It was said that "the continuance of this office, under rules and restrictions would be productive of public benefit in the province of Benares, as well as in the ceded and conquered provinces. Rules, by Regulation 4 of 1808, prescribed two *Kanungos* for every *pargana* in the ceded and conquered provinces and in the province of Benares, to be selected by the Collectors and under the authority of the Board of Commissioners. The office was declared not to be hereditary; to be salaried, 'precluding all further claims to pecuniary allowances under the denomination of *Nankar* and any other denomination.' This re-introduction of *Kanungos* did not apply to Bengal and only to *Kanungos* appointed in the ceded and conquered provinces: the regulation of such *Kanungos* drawn up in 1808, are evidently based largely on Bengal experience".

• The pernicious effect of Regulation VII of 1799 and V. of 1812.—These two Regulations had

1. Cf. Ramsbotham, p. 161.

a very bad effect upon the interests of the cultivators and the latter Act was the worse. The Regulation of 1812 authorised the Collector to put up the estate for sale by public auction if the revenue was not punctually paid by the holder for the time being. If a purchaser was forthcoming who paid a reasonable auction price and cleared the arrears of revenue, he was to get possession of the estate with a clear title and free from existing leases and burdens. The existence of this provision made all mortgages, leases and contracts of tenure void with hardly any exception. The new landlord was thus able to demand from the ryot new rates without *any restrictions*.) This meant making legal the highest revenue which as a matter of fact completed the misfortune of the ryot. This made the system as arbitrary as was the farming system known as *Mustajir* under the Muslim rule, and in a way this was even more pernicious. Justice Field says that this Regulation 'had a most mischievous effect upon the best interests of the cultivators of the soil'. ' (By Regulation VIII of 1793, the peasant proprietor was reduced to the condition of a tenant and by this Regulation the tenant (original peasant proprietor) was placed at the mercy of the newly-created landlord to be squeezed by him in every possible manner)

Permanent Settlement of Benares.—The pro-

1. Field's landholding, p. 615.

vince of Benares was ceded by the Nawab of Oudh to the Hon'ble the East India Company in 1775. The Company through a treaty made this year was entitled to receive from the Nawab of Oudh a sum of Rs260,000/- per month for each brigade and all the territory of Raja Chaitsingh who was a subordinate chief of the Nawab of Oudh, was placed under the East India Company in perpetuity. The territory comprised the districts of Benares, Gazipur, Chamah, Saktessgar, Jaunpur, Bijehpur, Bahdore, Malbas Kaus, the pargana of Sikandapur, Jeride, Shaay Abad, as also the mint and Kotwali of Benares. The Company recognised Chaitsingh as the chief of Benares and conferred on him his former rights by a *patta* on the 15th April, 1776. By this engagement Chaitsingh was to pay to the Company an annual tribute of a sum of Rs. 22,66,180 if paid at Benares or Rs. 22,21,745 if paid at Calcutta.

Chaitsingh was unable to pay this huge tribute regularly. He paid to the Company a sum of £ 60,000 or Rs. 900,000. Warren Hastings demanded more sums from the Raja and a Company of troops of 1,000 men. On his showing inability to pay, Warren Hastings marched to Benares to punish the Raja. This attack of Warren Hastings placed him in a very perilous position and as a matter of fact, at one time even his own life was in danger. Chaitsingh fled to Bundelkhand never to return again and on the 9th November, 1781, the province of Benares was taken by the English.

The wife and mother of Chait Singh became political prisoners and a sum of £ 250,000/- fell in the hands of Warren Hastings which he distributed among his army towards the liquidation of the unpaid salary of the sepoys for the last 6 months. Warren Hastings made over the *Jagir* of Chait Singh to his nephew Raja Mahipnarain on his agreeing to pay a sum of Rs. 10,00,000/- per annum as tribute to the Company. In 1791 the British Resident at Benares took more or less the administration of revenue in his own hands and finally on the 27th October, 1791, an agreement was entered into between the Raja and Mr. Duncan, the British Resident on behalf of the Company by which it was decided to introduce the same system as was introduced in Bengal, Bihar and Orissa in 1793. The reform was carried out by Regulation I. of 1793 which contains the details of the Permanent Settlement for this province. According to this Regulation settlement was concluded with:

- (1) Elder or chief co-sharer in the village;
- (2) Head of a joint Hindu family;
- (3) Local magnates who descended from land-revenue contractors;
- (4) Local chiefs having certain villages under their sway either as grant, or acquired by them from the district of feudal lords; and
- (5) Service tenure holders.

The Settlement was on the same principle as in Bengal, Bihar and Orissa, but the distinctive feature of this settlement which was an improvement over the Bengal Settlement, was the recognition of the rights of all the subordinate holders. Of late, survey has been carried out and records of rights have been prepared. In fact, only nominal Zamindari rights are acknowledged in this province. The revenue is, of course, fixed for ever as in Bengal.

✓ Permanent Madras Zamindari Settlement.—

The Ryotwari Settlement of the ceded districts of Madras, which was proclaimed by Colonel Read and confirmed by Sir Thomas Munro, was annulled and a Permanent Zamindari Settlement was made in that province in 1802. There were three kinds of Zamindars in Madras, *viz.* (1) Zamindars who were formerly land-revenue contractors as in Bengal, (2) Chiefs who were formerly rulers of big States but in course of time reduced to the position of petty chiefs, and (3) *Haveli* lands auctioned to the highest bidder who thus was made or rather created landlord. There were no existing Zamindars in a greater portion of the Madras Presidency and parcels of lands (*Mootah or Muttha*) were auctioned to the highest bidder and thus *Jagirdars* were created. This procedure was a miserable failure in Madras with the result that only one-fifth of the Presidency is under the Zamindari system while the rest is under the Ryotwari system. There is one feature of the Madras Landlord Settlement

which is unique in itself and different from the system prevailing in Bengal, and it is that there are no graded landlords as in Bengal. The fact is, that the Jagirdars except the artificially created landlords, were the descendants of old hereditary *Rajas* and, therefore, according to the Hindu law they continued to remain the receivers of the land-revenue while the cultivators remained the proprietors of the soil. (This position was, however, changed when the British Government introduced the Permanent Settlement with the landlords in Madras. By Section 2 of Regulation XXV of 1802 the proprietary rights were *given* to the landlords as is apparent from the very construction of the Section,) which runs thus: "The proprietary right of the soil *shall become vested* in the Zamindars or other proprietors of land, and in their heirs and lawful successors for ever." (According to Section 3 of the same Regulation, on the assessment being adjusted, the landlord was to be given a *Sanad-I-Milkiat-I-Istamrar* or deed of permanent property and the landlord thus created was to give his *Kabuliat* or acceptance to the Collector. It will appear that the mischief of landlord settlement in Madras was modified to a certain extent by the peculiar situation in that province of absence of hereditary land-revenue contractors. The land in the Northern Sircars, therefore, had to be settled with new entrants in the field who were prepared to bid the highest. But, as a number of these newly-created landlords could not

pay their dues regularly, they were, in course of time, dispossessed of their rights and thus their lands reverted to the Company. In Madras, therefore, Permanent Settlement was not as much a success as in Bengal and its operations virtually were restricted to the few land-lords who somehow managed to continue to pay their dues to the Company.) The polygers, the heirs of the old regular chiefs, of course, continued to hold the land after they entered into contract with the British Government to pay a fixed revenue. Thus the area of Landlord Permanent Settlement in Madras including waste land is 19½ millions of acres against an area of 30 millions of acres¹ of net cultivated land under the temporary ryotwari system. The reverse is the case in Bengal where the income from landlord estates is Rs. 3,23,22,617/- against Rs. 31,23,267 from the temporarily-settled districts.*

The Settlement of Upper Provinces.—Shah Alam, the titular king of Delhi ceded to the Hon'ble the East India Company on the 29th December, 1764, the *Jagirs* of Raja Balwantsingh comprising the districts of Benares and Ghazipur. The Court of Directors having disapproved this transaction, these *Jagirs* were restored to the Nawab of Oudh with the exception of Allahabad and Kora which were left in the possession of

1. Land Revenue in British India by Mr. B. H. Baden Powell, p. 168, note, 1.

** Land Revenue Policy of the Indian Government, P. 56.

the Emperor. On the Emperor joining the Mahrattas, these latter districts were sold by the Company to the Nawab of Oudh on the 7th September, 1773 for a sum of rupees fifty lacs. Through a treaty of 1775, the English got the Zamindaris of Raja Chaitsingh from the Nawab of Oudh which have been explained in the previous paragraphs. The Nawab of Oudh was in pecuniary difficulties; relief was given in the shape of remission of all British dues, and the British army with the exception of one brigade, was withdrawn. It was, however, soon found that it was unsafe to withdraw the army and, therefore, it was agreed by a fresh treaty of 1786 to retain the British army and the Nawab agreed to pay a sum of rupees fifty lacs annually. On 21st February, 1798 a fresh treaty was concluded between the new Nawab Sadat Ali and the Company by which the former agreed to pay to the Company a sum of rupees seventy-six lacs of rupees annually for the maintenance of English army in Oudh which was not to be less than 10,000 strong. Under this treaty the Fort of Allahabad also came under the British Government. The payment was not regularly made and after a prolonged negotiation, it was decided that the Nawab should cede to the Company the territories in the Doab. This arrangement was completed on the 10th November, 1801. This territory was divided according to section 2 of Regulation II of 1803 into seven districts of Allahabad, Bareilly, Cawnpur, Etawah, Farrukhabad and Moradabad.

This newly-acquired territory was placed under a Board of Commissioners of three members of the Civil Service for administration and settlement. The President of the Board and the Lieutenant Governor of the Province was Mr. H. Wellesley, the brother of the Governor-General at Calcutta. These ceded provinces were then called the Upper Provinces which afterwards merged into the present 'United Provinces of Agra and Oudh'. A proclamation introducing the Bengal system on the lines of 1793 was issued by the Governor-General and the Board of Commissioners on the 14th July, 1802, which was confirmed in the Regulations of 1803 which were drawn up on the same lines as the Bengal Regulation of 1793 with slight changes (see section 29 of Regulation XXV and section 53 of Regulation XXVII, both of 1803) and brought in force the same year. According to this Proclamation a settlement for three years was to be concluded with the Zamindars and Taluqdars. This was to be succeeded by a fresh settlement for the same period and the second settlement was to be followed by a third settlement for a period of four years, after which a Permanent Settlement was to be concluded for such tracts as would show sufficiently improved state of cultivation. This pronouncement was made without reservation and was definite as to the intentions of the Government.

The territories in Bundelkhand yielding a

revenue of rupees thirty-six lacs per annum, were ceded by the Peshwa for the maintenance of a subsidiary force in 1803. By the treaty of Sirje Arjangaon in 1803 with Scindia, the British and their allies got all the land between the Jumna and the Ganges. The regulations of 1803 made for the ceded provinces (ceded by the Nawab of Oudh) were also applied to the ceded province of Bundelkhand and the conquered districts in the vicinity. A proclamation was issued for the introduction of a Settlement similar to that of the ceded provinces. This proclamation was embodied in the Regulation IX of 1805 passed on the 11th July of that year. Section 5 of the Regulation X of 1807 made it clear to the Zamindars of a promise of a Permanent Settlement. The Court of Directors, however, reversed the decision of a Permanent Settlement and sanction was withheld. A Board of Commissioners of two members was deputed to make enquiries who reported against an immediate Permanent Settlement. According to Section 2 of Regulation IX of 1812 for the ceded Provinces and Section 2 of Regulation X of 1812, for the conquered Provinces and Bundelkhand, the promise of Permanent Settlement was rescinded.

(The Settlement system of United Provinces is thus a temporary one. The Government have not introduced in these provinces the *Ryotwari* system, but a system which may be called 'Village or *Mahal* Settlement system'. The rights of the ryot were crushed here but not so mercilessly as

in Bengal and a Settlement was concluded with the *Taluqdars* of Oudh and the village elder or head of a co-sharer family or local magnates just on the same lines as in the case of Permanent Settlement in Benares.)

Settlement with Taluqdars in Oudh.—This Settlement has nothing in common with the Landlord Settlement of Bengal. It is a temporary one, except in the case of a few *Taluqdars*, as a reward or special favour for services. The cultivator or the real proprietor of the land was, however, a great loser where the *Taluqdari* Settlement was concluded. In Oudh, "the Settlement was only occasionally with the villages; in most cases a single *Taluqdar* landlord was settled with (in one sum) for an estate comprising a greater or less number of villages; and these were in different stages of preservation as regards their rights in the second degree. The *Taluqdar's* revenue payment was based on the aggregate of the sums leviable as rent from each village. Attention was, therefore, paid more to individual villages and their rent according to what past payments had been, and what they now might be with reference to local circumstances, and less to general rates of rent for soils, prevailing throughout circles. It might be that certain whole villages under the *Taluqdar* were entitled to a sub-settlement; and then the payment they had to make was fixed so much higher as would allow for the *Taluqdars'*

profit as well as the Government share.* In most cases, however, there were only sub-proprietors of plots whose revenue payment was fixed so as to allow at least for the minimum legal profit. A Taluqdar can never get less than ten per cent profit after paying the revenue; how much *more* he gets on the whole estate, depends on the number of villages entitled to sub-settlement and the number of sub-proprietors and occupancy tenants."! Under this arrangement, the land-revenue contractor or the *Taluqdar* was given illegal profits extending from 10 per cent to 25 per cent over the realisations from the cultivators which was nothing short of creating hardships for the ryot.

Other forms of settlement in U. P.—The Commission of Enquiry with Mr. Holt Mackenzie as Secretary made complete investigations and the result of their enquiry was as follows:—

1. That village proprietary bodies existed, and that it was impossible to let single

* If the village were independent, it would get fifty per cent of the assets (the Government taking fifty per cent). But as it is holding under a landlord, reference to the lease or to past custom, may show that the landlord is entitled to twenty-five per cent (It can never be less than ten per cent); in that case the village would be assessed at seventy-five per cent of the assets, of which fifty goes to Government and twenty-five to the Taluqdar. If the village terms were such that they got less than twenty-five per cent they would not be entitled (under the law of 1866) to a sub-settlement at all. Baden powell, Note.

1. Cf. B. H. Baden Powell, pp. 185—86

co-sharers, farmers, headmen and others
usurp the place of sole owners;

2. That a survey and record of all rights
whatever, were indispensable; and

3. That permanent settlement as a general
measure could not be thought of. *

Mr. Mackenzie discussed the whole matter at length in his Minute dated the 1st July, 1819. In order to deal with the situation which arose as a result of these enquiries, the Regulation VII of 1822 was passed. In 1803 the Orissa districts were acquired by the English through the treaty of Dewalgaon from the Raja of Nagpur. These districts were also subjected to the application of the Regulation VII of 1822. In U. P. the Regulation was applied to what is now called the Agra province, *i. e.*, short of Oudh. The Settlement in these districts was with the entire village bodies and on behalf of the entire village a sharer of standing and responsibility was selected to sign the revenue register. Such a person was called the *Lambardar*. Provision was at the same time made that in case a share-holder or any section of the village did not want joint responsibility, he or they were allowed to apply for complete separation with a separate and distinct revenue liability. The system was perfected by the two amending laws of 1825 and finally by the more

* Cf. B. H. Baden Powell, p. 172.

important amendment of 1833. Under this amendment, 'Indian Deputy Collectors were appointed; the principle of assessment was revised; and the majority of judicial cases were transferred from the Settlement Officer's Court. At the same time, the village statistics were reformed; the Settlement Officer was empowered to fix rents for tenants, and the village maps and accompanying field registers came into general use.'

The Settlement in Orissa districts.—As already stated, the Orissa districts were acquired in 1803, Settlement was proceeded with on the same lines as in U. P. Here the rights of each villager as found by the Settlement Officers, were recorded. It was thus a Settlement which was opposed to any reference to the so-called landlords or middlemen. In a few cases where the holders were proved to be descendants of ancient ruling families, Permanent Settlement was made with them. Here as in all other cases the proprietary rights of the peasants were lost sight of and many of the cultivators were classed as tenants. The Settlement of 1833 was allowed to stand for a period of sixty years and it was revised and completed between 1890 and 1900.

Settlement in the Bombay Presidency.—The island of Bombay was made over to the Hon'ble the East India Company, by Charles II in 1669 which His Majesty received as part of the marriage portion of Catherine of Braganza. Salsette and

Bassein came under British control during the time of Warren Hastings. The towns and districts of Boroach and Ahmadnagar were ceded by Scindia to the British by the treaty of Sirji Arjengaon in 1803. The territory of Peshwa was annexed in 1817. In Kathiwar the British acquired Peshwa's share in the supreme authority in 1817 and the Gaickwar's rights were obtained in 1820. The territory, therefore, now forming the Bombay Presidency was acquired by the British by 1820 and Mr. Mountstuart Elphinston may be regarded as the first Governor of the Presidency. When he took charge of the Presidency he found the village community system in existence and the Hindu institutions in excellent order. Thus he recommended the continuation of the village community system but the proposal was disfavoured by the Court of Directors who favoured the Ryotwari System. In advocating or rather introducing the Ryotwari System, the aim of the Company Government was to levy the highest revenue that the land could afford to pay. In this connection one of the ablest Directors of the East India Company admitted, "It cannot be concealed or denied, I think, that the object of this (Ryotwari) system is to obtain for Government the utmost that the land will yield in the shape of rent."* In any case the Ryotwari System was at last decided upon and introduced in greater part of the Bombay Presidency except certain *khot* estates, the Ahmedabad

* Lectures on Land questions of late Mr. R. C. Dutta C.I.E.

Taluqdars, the few joint villages of the Khera and Bharoch districts, the Wantan estates and Mevasi estates.

Ryotwari System of Bombay.—The land was first settled on the Ryotwari principle in the Bombay Presidency in 1836. The Settlement was revised in 1866 and again in 1896. In the Madras Presidency the cultivator or *kulwar* is generally acknowledged to be the proprietor of the soil which he possesses, while in Bombay the peasant proprietor is termed an 'occupant'. At each successive settlement, the Government demand is raised by nearly thirty per cent. The late Mr. Pedder gives an account as to how assessment is increased and it may be reproduced here with advantage: "The Bombay method is avowedly an empirical one. When a tract (usually a *Taluka*) comes under Settlement.....its revenue history, for the preceding thirty or more years is carefully ascertained and tabulated in figured statements or diagrams. These show, in juxtaposition for each year of the series, the amount and incidents of the assessment; the remissions or arrears, the ease or difficulty with which the revenue was realised; the rainfall and nature of the seasons, the harvest prices, the extension or decrease of cultivation, and how these particulars are influenced by each other; the effect of any public improvements, such as roads, railways or canals and markets, on the tract or on parts of it."

estimated; the prices for which land is sold, and the rents for which it is let, are ascertained. Upon a consideration of all these data, the *total* settlement assessment (for the tract) is ascertained.

“That amount is then apportioned, pretty much in the same way, on different villages; and the total assessment of each village is distributed over the assessable fields in accordance with the classification which has determined their relative value.....”¹ In Bombay the increase is limited to thirty-three per cent, on the whole *Taluka*, or sixty-six per cent on the village total, or one hundred per cent on the single holding above the last assessment. The area under the Ryotwari Settlement system in Bombay is about thirty million acres.

Zamindari Settlement system in Bombay.—The *khots* of Bombay are the old farmers or land-revenue contractors and they have been recognised as *jagirdars*. They are found mostly in the Konkan or Upper Coast Districts of the Presidency. Farming was carried on in the districts through the Revenue Officers who were called ‘*Deshpande, Deshmukh*’ and in place where such was the system no landlords of the kind sprang up. The *khots*, who were the local farmers, grew into the position of landlords and were recognised virtually as landlords by the British

¹ Cf. Baden Powell, pp. 210-11,

Government. The Government, however, extended protection where possible to the rights of the old village landholders called *Dharekar*. The area held by these land-revenue farmers and others of similar origin is more than two and a half millions.

There are certain landlord villages also in this Presidency. The Ryotwari villages are called *Sanja* meaning joint or associated and the landlord villages *Bhagdari* or shared. These villages were held at one time by one family or *Kul* and thus the proprietorship fell to that family. In some places these villages are also called *Narwa*.

Some of the *Khatedars* and *Taluqdars* of the Presidency were also land-revenue farmers and have been recognised as landlords by the Government.

There is yet another class of landlords who are descendants of the ancient ruling families. The Gujrat country affords a still more curious instance of tenure arising from the disruption of old local chiefships. In the wars that followed one after the other (especially after the attempt of the Emperor Aurangzeb to conquer the South, and after the Mahrattas rose to power at the close of the seventeenth century) the whole country became prey to the ravages of rival chiefs. The old Rajas had long disappeared and their *Khalsa* land had become the revenue-paying lands of the con-

quering power ; but the subordinate chiefs,—often holding the wilder or hill country, or, at all events, the outlying territory,—were more fortunate. If they submitted, and agreed to hand over a portion of their revenue to the conqueror's treasury, it was convenient to leave them in local control of their territories, under the usual designation of *Taluqdar*. Sometimes, however, the chiefs were not left in peace. Long before the Mahratta times, some of them were considered to be too powerful, and for this or for some other reason, their estates were sequestrated, and only a fourth or other portion left them. Estates of this origin are still known by the name of *Wanta* or 'portion'. * In troublous times, moreover, a number of dispossessed chiefs turned into marauders and freebooters, and would then roam the country and contend fiercely for the rents of different villages. Old estates broke up, and new ones were consolidated while the roving chieftains began placing under their protection such groups of villages or stretches of territory as could be held from *some fort in the* Vindhyan hills. These irregular tenures, never really under the authority of any central government, constituted what were called the *Mevasi* estates. It is somewhat surprising to find that such possessions have survived at all ; but the descendants of the chiefs to the present day hold some of the lands, under the

* And even some of these (reduced) lands were made to pay a quit-rent or *Udhad-Jama*, as it was called, Baden Powell, 114 note.

same designation. In some cases all territorial rights had really passed away ; or at any rate, they were sufficiently compensated by a cash allowance,—still paid to the descendants of the families. ¹ These *Jagirdars* or relics of territorial chiefs were not the proprietors of the land according to Hindu or Muslim scriptures, but were entitled to realise land-revenue for the protection afforded by them to the peasantry of the country. They hold about two and a half million acres of land still in their possessions in the Bombay presidency and are acknowledged as landlords by the British Government.

The Settlement of Berar.—The province of Berar which is at present administered with the Central Provinces, was, ceded by the Nizam of Hyderabad to the British in 1853. The lands in Berar were thereafter settled on the principle of the Bombay system. The revenue rules are practically the same as in Bombay and therefore there is nothing new regarding Berar to mention here.

The Settlement in the Central Provinces.—Saugor and Narbada territories came under the British administration in 1818 and the Nagpur State was annexed in 1853. The whole of this territory was consolidated into one province called the Central Provinces. The land-owning classes

1. Cf. Baden Powell pp. 113-14.

(in the Central Provinces) are mostly descendants of officers in the employ of the old lords of the country—the Mussalmans of Bhopal and the Mahrattas of Nagpur. The history of their connection with the soil throws some light on the genesis of the Zamindari system. If, as was often the case, a cultivating class is unable to maintain itself till the crops ripened, it or the weaker members at least must take recourse to some capitalist for loan. The tender, for his own security, interposes between his debtors and the Government, becomes responsible for the revenue, and, armed with the forces of the law, recoups himself by levying rent. Whoever, writes Mr. Elliot, having money by him, came forward at the right time when cultivators were ready to break up the jungle if fed or clothed, that man became the *Malguzar*.....¹

The bulk of the peasantry in the Central Provinces were non-aryans or a mixed race. The villages were held jointly by several families. When the settlement in these provinces was concluded the interests of these classes were ignored and instead of making the settlement ryotwari or on the joint villages system, landlords were created from among the village headmen (*Mamlata-dar*) and revenue contractors whom the Mahratta Government had established. These persons were acknowledged as *Malguzars* or landlords, and

¹ Cf. Laborious Days, p. 49.

settlement, what is called *Malguzari* Settlement, was made in Central Provinces. The *Malguzars* of the Central Provinces were thus the old revenue contractors and were recognised as landlords by the British Government in suppression of the claim of the hereditary proprietors of the land, *viz.*, the cultivators. The *Malguzari* system in C. P. may be compared with the *pattidari* form of landlordship in Bengal.

Cultivators in C. P. on the eve of British Conquest.—The economic condition of the ryot in C. P. when the British took possession of it, was worse than that of the ryot of other parts of India. It was as bad as that of Bengal if not worse. The country was subjected to the ruthless onslaughts of the Mahratta horse, the Nawab of Bhopal and the ruthless Pindari. Mr. Elliot, the Settlement Officer of Hoshangabad says that 'their cup of misery was full to the brim'. When the British took the Saugar and Narbada territories in 1818, the districts were a howling desert, dotted with ruined villages and fields fast relapsing to jungle.

What the British did on occupying the country.—Mr. Elliot says that 'the process' of recuperation which settled Government brings with it, was restarted by the incredible fatuity exhibited in the first settlement of land revenue made to 1824. Its author, who held the title of Political Officer, was one of those sanguine men who

believes that peace and security attract capital and increased population as if by magic. Under this impression he raised the revenue of Hoshangabad proper by seventy-three per cent in the first year, and so *Crescendo* till the demand for the fifth year was fifty per cent above that exorbitant total. The case of Seoni, immortalised by Mr. Sterndale's facile pen, was even worse. The demand there was screwed up from Rs. 60,000/- to Rs. 139,000/- in five years. The unhappy Zamindars were, of course, unable to satisfy these claims, and the exactions and cruelties which followed must have made the people look back on the Pindari raids with something like regret.'

The policy of the East India Company which was money first and every thing afterwards, was pursued throughout its operations in India. Much of the good that India had from the occupation of the country by the British was counter-balanced by these ruthless exactions. The Board of Control in England however, discouraged and condemned these high-handed actions, and perhaps for this fear, Major Ousley who was Principal Assistant Agent to the Governor-General from 1826 to 1839 reduced the demand by 25 per cent and it still remained 21 per cent below the demand of 1825. Major Ousley, however, interfered in the business of the people more than what was desired of an administrator and his interference destroyed all confidence and drove capital from

the country. Mr. Elliot says that 'his era left behind it a long train of ills which it needed the reign of law to remove'.

Regulation VII of 1822 applied to Central Provinces.—The Regulation VII of 1822 was applied to the *Malguzari* Settlement of the Central Provinces. The newly-created landlords or *Malguzars* were given full proprietary right, i. e.; all rights of disposal of land by sale, gift, will or mortgage. The rights of the actual cultivators were, of course, neglected in these provinces as, in Bengal.

Feudatory Estates in the Central provinces.—There were, as in other parts of India, relics of old independent ruling families in these provinces also. These are the estates of the descendants of chiefs or barons of the Gond Kingdoms. A large fertile tract of these kingdoms passed into the Mahratta hands, while hilly tracts or those lying in remote corners of unimportance, were left in their possession, the chiefs being asked to pay small tributes. These estates of certain importance were recognised by the British Government as feudatory estates unlike the Bengal Zamindari estates. The smaller ones, of course, merged into Zamindaries. These estates correspond to the Zamindaries of Chota-Nagpur and the tributary estates of the hilly tracts of Orissa where the chiefs are descendants of ruling families. The *Malguzars* of the Central provinces were ori-

ginally revenue-farmers or village headmen and had neither the right to receive land-revenue nor the proprietary rights in the land. But these rights were given to them unjustly by the then Government of the Company. The feudatory chiefs have a right to the revenue for the protection they afford to the ryot, but the proprietary rights in the land vest in the cultivators according to the Hindu and Muslim laws.

The Settlement in Assam.—Lord Amherst, the Governor-General, declared war against the king of Burma in 1823. This war puzzled the English more than any other war in India. With great difficulties Sir Archibald Campbell in 1826 subdued the king of Burma who concluded a treaty with the British by which the latter got Rs.1,00,00,000 as war indemnity and the cession of Assam, Arakan and Tenascrim.

Early condition of Assam.—“The Aham rulers (a Hinduized dynasty of Tibeto Burman (Shan) origin which had ruled from the thirteenth century down to our own times) had, organised the entire population *into groups for services of all kinds*. Each *Paik* or individual in the groups was allowed a certain area of land for his support. There was no regular land-revenue; the State income was derived from a poll-tax, and the profits of the service exacted, which was of all kinds,—military service in the ranks, labour on works, contributions of gains in trade, and even

a portion of the products of handicrafts. Any one, it seems, might cultivate land over and above his stated allowance, and then he paid a fixed rate for it. Proprietary right in land was apparently not thought of; and the lordship, by grant or by official position, over an area which the serfs or subjects tilled, and from which the requirements of the lord's household were supplied, was the only form of estate other than that implied by the ordinary peasant holding. It is thus apparent that the land was held in perpetuity by the peasantry and the landlords were, either the service tenure-holders or grantees corresponding to vassal chiefs of plains of India. It appears that Mr. Powell is incorrect in his description that proprietary rights in the land were not thought of. The landlords were to have sway for the duration of the grant or the currency of the office on the expiry of which period they merged into the body of general ryot of the country and as such, the ryot held the land under proprietary rights. The administration was based on the primitive family system and every member of the kingdom was allotted some service and this contribution was recognised as sufficient for the protection afforded them by the king.

Early British administration of the country.—Till 1834. the country was governed without any principle of land-revenue administration. It

1. Laborious Days.

was left under the management of local chiefs under the control of British officers. The Act II of 1835 required the suspension of the existing system and provided for a suitable administration. The revenue system was, however, not revised and no proper settlement was carried out. It remained one of yearly assessment at certain customary rates for each class of land according to the annual condition and measurement of cultivation.

The Settlement of Ajmer-Marwara.—The little province of Ajmere-Marwara was acquired in 1817 by the British from Scindia who was also forced to renounce his claim to tributes from the Rajput States. The *Khalsa* land in this province was settled on the same principle as in the North West Provinces (U.P. & Oudh). The land which was occupied in *Jagir* by the landlords was settled with them under a permanent tenure called *Istamrari*. Some of these Rajput and other Chiefs of Ajmer-Marwara were the descendants of the old ruling families while others were military landlords, while a few of them were the *pattedars* or farmers of the Mughal period.

The Company ceases to be a business concern.—The charter of the East India Company granted by the British Parliament in 1793 expired and a new charter was granted to the Company in 1813. This fresh legislation abolished the Company's

monopoly of Indian trade and under certain restrictions, private merchants were allowed trade in India. European (British subjects) were allowed to reside permanently in India with the permission either of the Court of Directors of the Company or Board of Control. The power of the last two bodies were more clearly defined than in the Pitt's India act of 1834. It was enacted that the accounts of the Company were to be kept under two heads *viz.*, (1) Commerce and (2) Territory. From this time no Governor-General, Governor or Commander-in-Chief was to be appointed in India by the Company without the sanction of the Crown. This restricted the powers of the Directors of the Company in many ways.

This charter expired in 1833. A fresh charter was granted for a further period of 20 years. The Company thence-forward ceased to be a trading Company. The trade of India was thrown open to every British subject. The Company's stock was valued at £ 6,000,000 which was to bear interest at 10·5 per cent. The stock was to hold good till 1874 when every £ 100/- worth of stock was to be redeemed at £ 200/-. The British Government gave proper security for the interest to be regularly paid to the Company. A new Law Member was added to the Governor General's Executive Council, but he was not to vote in Council except at meetings for making laws and regulations. The Governor-General was allowed to make laws but

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it was expressly laid down that the legislative power of the Parliament was to remain in tact and that the Government of India had no power to repeal any law passed by the Parliament. The residents of India were allowed to enter into the various services of the Government.

The Company's charter of 1833 was renewed in 1853. According to this charter, the number of Directors chosen by the proprietors was reduced to 12, in addition to whom six were to be appointed by the Crown, who must have resided for at least 10 years in India. The Court of Directors were deprived of the power to appoint members of the Civil Service and it was thrown open to all British citizens who had to prove their qualifications in open competitive examinations.

These were the changes in the charter of the Company which were introduced by the British Parliament on each renewal for the one object of restricting the avarice and high-handedness of the servants of the Company and bringing the Indian affairs more and more in the hands of the Crown. It is, however, a pity that an interest of 10.5 per cent was allowed on the Company's stock chargeable to the Indian revenues even when the Company ceased to be a trading concern in 1833. The Company and its servants had already enriched themselves more than what was legitimately due from the Indian Empire of Her Imperial Majesty the Queen of England and nothing more should

have been given to them out of the Indian revenue.

The territorial position of the Company in 1856.—From the position of ordinary traders in 1612 when the first factory of the Company was established at Surat, the Company became the overlord of nearly two-thirds of India after 1833. This was undoubtedly the most valuable acquisition which the Company made for the British throne. The Company were master of the following territories in 1856:

1. Bengal,
2. Bihar,
3. Orissa,
4. North-west Provinces including Oudh,
as the Nawab of Oudh was deposed in
1856 and his territory annexed;
5. Bombay including Deccan, Sind and
Gujrat,
6. Madras,
7. Central Provinces including the ceded
district of Berar;
8. Coorg :
9. Ajmer-Marwara ;
10. Assam.
11. Lower Burma,
12. Punjab (annexed in 1849)

Completion of British occupation.—In course

of time, it was, however, felt that it was necessary to take the more powerful chiefs into British alliance or protection if the Company was to exercise their sway all over the country. The British supremacy was acknowledged by Cooch-Bihar in 1772; Cochin in 1791; Hyderabad in 1798, Mysore in 1799; Baroda in 1802; Travancore in 1805; and Bharatpur, Alwar and Dholpur between 1802 and 1806. Lord Wellesley's extension policy was responsible for these political alliances, and though his annexation policy was criticised by many, yet the final result of such political alliances was remarkable for India's progress and its relief from further bloodshed.

Another mission came out in 1817 to form political alliances. This period was a very critical period for all petty ancient rulers. Those rulers who till the Mughal period were very strong, became weak due to internal dissensions and tribal quarrels and became easy prey to the Mahrattas and the Pindaris. Ameerkhan and Bapoo Scindia were responsible for indescribable damage done by them in Rajputana. Tod gives a pathetic picture of the condition of Udaipur which deserves to be reproduced here: "In S. 1867 (A.D. 1811) Bapoo Scindia with the title of Subahdar and encamped in the valley, and from this to 1814 these vampires, representing Scindia and Meerkhan, possessed themselves of the entire fiscal domain, with many of the fiefs, occasionally disputing for the spoils; to prevent which they came to a conference at the

Dhola Mugra, attended by a deputation from the Rana, when the line of demarcation was drawn between the spoilers. A schedule was formed of the towns and villages yet inhabited, the amount to be levied from each specified, and three and a half lacs adjudged to Jamshid, with the same sum to Scindia: but this treaty was not better kept than the former ones. Mewar was rapidly approaching dissolution, and every sign of civilisation fast disappearing;—fields laid waste, cities in ruins, inhabitants exiled, chieftains demoralised, and the prince and his family rendered destitute of common comfort. Yet Scindia had the audacity to demand compensation for the loss of his tribute stipulated to Bapoo Scindia who rendered Mewar a desert, carrying her chiefs, her merchants, and her farmers, into captivity and fetters in the dungeons of Ajmer, where many died for want of ransom, and others languished till the treaty with the British in A.D. 1817 set them free.”¹

This was the period of unrest and anarchy when the British extended their help to the rulers of Rajputana for an alliance and it was mostly in 1818 when all the Princes of Rajputana marched under the British Flag and concluded treaties with the Resident at Delhi. This brought the entire Rajputana with the States of Udaipur, Jaipur, Jodhpur, Kotah, Bundi, Bikaner, and Jessulmere, into political alliance with the British.

1. Tod, pp. 487-88.

Likewise the Central Indian States came under the British protection at about the same period. Bhopal came in 1817 ; Indore, 1818 ; Dewas, 1818 ; Jaora, 1818 ; Dhar, 1819 ; Orchha, 1812 ; Cutch, 1816 and 1819 ; Kapurthala, 1809 ; Tehri Garhwal, 1820 ; Bhawalpur, 1834 ; Mandi and Suket, 1846 ; Chamba, 1847, and Kashmir, in 1846. In addition to this, during the same period, most of the States in Central India, the Punjab, C. P. and Rajputana were recognised as States by the British Government through *Sanad* grants. With the exception of a part of Burma and Nepal, the British thus became masters of entire India exercising their authority either directly or through their subordinate rulers. Some of the princes did not acknowledge the British as paramount power and regard them as equals under the terms of their treaty, but this false notion was expelled by his Excellency Lord Reading in his historic letter to the Nizam of Hyderabad over the question of Berar.

Treaty with rulers a mistake.—The British committed a mistake while concluding treaties with these ruling princes. They forgot to decide the question of the subordinate landlords in these States and to define the status of the ryot (1) under the *Khalsa* and (2) under these landlords. This was a very important omission. The English reached a very hasty conclusion in deciding that these *jagirdars* in the States were all land-

lords and the promise for their continuance extended to them was again a hasty one. The British, for instance, described the Shakhawati chiefs as *independent subordinate chiefs* of Jaipur State. Colonel Tod gave prominence to the Shekhawati Chiefs and tried to show them as independent of Jaipur State as he (Tod) was probably prejudiced against Jaipur State. He has written admirable account of the States of Mewar and Jodhpur, but he has finished the account of Jaipur which is equally as important as Udaipur or Jodhpur, in a few pages and has written more account of the Shekhawati subordinate chiefs than of the paramount power—Jaipur State. The account of Tod that the Jaipur Durbar is not to interfere in the internal management of the Shekhawati *Thikanedars* as long as they regularly paid their tribute, is incorrect. This was inconsistent even according to the treaty with the British Government itself. The hasty conclusions of Colonel Sutherland and the other British officers and the long minority in State strengthened the hands of these *Jagirdars* who improved their position and designated themselves as *Mamlaguzars* or tributaries to the Jaipur Durbar. This erroneous conclusion of the British officers and British authors has just been forcefully contradicted by Mr. C. U. Wills, C. I. E., I.C.S. (Retd) who says in his valuable report: "I need not write at length to challenge this British official view. The evidence collected for the purpose of the present enquiry shows that it is

entirely without authority, so far as the *Thikanedars* of the Jaipur State are concerned. Not one of the conditions set forth by Colonel Brooke as characteristic of his 'Allodial estates' is appropriated to Sikar, Khetri or Uniara. They were not "conquered by the ancestors of the owner;" nor were they "not granted by the State." Their first holders entered them as Sawai Jaisingh's lessees, and neither "voluntarily sought the protection of Jaipur" nor did they possess their estates "anterior to the conquest of the territory by the reigning family". To describe these *Thikanedars* as estates "either conquered or possessed by the ancestors of the present holders prior to the conquest of Jaipur by the reigning family" is to provide them with an historical background which is wholly incorrect.....On the other hand, the numerous State documents which define the tenures and assessments of the earlier holders are proof conclusive both of their modern origin and of their establishment not by customary status but by ordinary contract" ¹

This excellent testimony given by 'Mr. Wills undoubtedly expels all false ideas that had been created about the status of these Shekhawati Chiefs who are not *Mamlaguzars* or tributary lords or feudal vassals or scion-holders of the line of the Sovereign of Jaipur, but they are original land-revenue contractors or farmers

of the period of Maharaja Sawai Jaisinghji who farmed out the outlying portions of his dominion to these *Ijardars*. This mistake in the minds of British officers allowed these chiefs those powers which they never possessed nor had any right to possess. They became the proprietors of the land over which their ancestors were given farming rights by the Jaipur Durbar on behalf of his Government. There can be no more serious irregularity than to allow the usurpers to designate themselves the proprietors of the soil and deprive the cultivators, who were the actual proprietors, of their birth-right. They are not tenants-at-will as they are called by these Shekhawati *Jagirdars* giving them the scornful name of '*Palli*' or tamed serfs. This is equally as serious a mistake as that committed in deciding on Permanent Settlement for Bengal.

This is not a solitary example of Jaipur State only, but such instances can be multiplied. For example, Their Highnesses the Maharaja of Gwalior and Baroda have been allowed to collect *Tanka* (a tax like tribute) from many chiefs and *Jagirdars* even though they (chiefs) came under the protection of the British Government.

Company rule terminates in India.—The Hon'ble the East India Company had made such a startling progress in India in territorial acquisitions and were completing the consolidation, of

their possessions, when unfortunately in 1857, the Sepoy mutiny broke out in India and for over a year there was nothing but bloodshed in this country. Everything was in disorder and many disaffected chiefs and bandits came forward to join the mutineers. The mutiny was at last suppressed with a firm hand by Lord Canning, the then Governor-General of India. This brought the rule of the Company to an end and the administration of India was soon after assumed directly by the Crown of Britain.

CHAPTER VII

BRITISH PERIOD (*Continued*)

✓ From 1858 to 1935 A. D.

Governance of India assumed by the Crown.—Immediately on assuming the governance of India Her Imperial Majesty Victoria Queen and Empress of India issued a declaration which we have reproduced in full in Appendix 'B'. This declaration is a most valuable document and deserves to be printed in gold. Regarding the rights of the ryot in the land, Her Imperial Majesty proclaimed: "We know and respect the feelings of attachment with which the natives (ryots) of India regard the lands inherited by them from their ancestors, and we desire to protect them *in all rights connected therewith*, subject to the equitable demands of the State; and we will that generally, in framing and administering the law, *due regard be paid to the ancient rights, usages and customs of India*". This was a noble affirmation of the declaration enacted in Section 39 of the Pitt's India Act of 1784 whereby the Governor-General of the East India Company was directed to make a settlement with the land-holders according to the *established laws and constitution of the country*.

We have shown in earlier chapters how this order of 1784 was violated by the officers of the East India Company. Indeed, it was acknowledged by the Court of Directors while giving the charge of the Indian Empire to the Crown who said that 'the rights of the Bengal ryots had passed away by lapse of time, and they had become, to all intents and purposes, tenants-at-will.' The Indian Government of Her Imperial Majesty, however, immediately proceeded to undo the mischief and much was done to alleviate the hardships of the ryots. Let us now see in this chapter what has been done to ameliorate the condition of the people, to give them their birth-rights and let us examine what remains to be done.

The Rent Act of 1859.—In order to undo the mischief of the Zamindars (original land-revenue contractors) Mr. E. Curria, introduced a Bill in the Bengal Legislative Council on the 10th October, 1857. Several amendments were moved and after a lengthy discussion, the Bill was referred to a Select Committee which presented the Bill in the amended form on the 26th March, 1859. On the 16th April, 1859 the Bill was passed and was known as Act X of 1859. His Excellency Lord Canning, Viceroy and Governor-General of India, while giving his assent said, 'I have to observe, that no one doubts that it has long been desirable that the important question connected with the relative rights of landlord

BRITISH PERIOD.

and tenant dealt with in this Bill should be settled: that *no objection is suggested to the nature of the settlement which the Bill contemplates*; and that the Bill is a real and earnest endeavour to improve the position of the ryots of Bengal, and to open to them a prospect of freedom and independence which they have not hitherto enjoyed, by clearly defining their rights and by placing restrictions on the power of the Zamindars, such as ought long since to have been provided." The following are some of the main provisions of the Act.—

- I. The abolition of the *Zamindar's* power of compelling the attendance of the ryot ;
- II. A small class of tenants to be entitled to hold at fixed rates of rent ;
- III. Right of Occupancy, entitling the ryot to hold his land as long as he pays his rent, to be acquired by twelve years' continuous cultivation or holding;
- IV. Provision for settling rent or enhanced rent by the agency of the Revenue Court ;
- V. A reformed attempt to bring about the interchange of *patfās* and *kabuliats* between landlords and tenants,

VI. An attempt to compel the delivery of receipts for rent, and prevent exaction of excess rent;

VII. The amendment of the Law of Destraint;

VIII. The transfer of original jurisdiction in suits between landlords and tenants from the Civil to the Revenue Courts. The Chief Civil Court of the district retained a limited appellate jurisdiction;

IX. Provision for the registration of transfers of permanent transferable interests in land intermediate between the Zamindar and the cultivator.

But by this Act only 'a fraction of the population was benefitted. A small class of *Mukarraridars* and *Istamrardars* who were acknowledged as having a right for a fixed rent at the time of Permanent Settlement, a small class of the ryot known as *khudkasht*, *kadimi ryots* or resident and hereditary ryot, who were holding their lands for at least twelve years before the Decennial Settlement (which became afterwards Permanent Settlement of 1739) and a small class of ryots whose rents were not increased after the Permanent Settlement, were benefitted by this Act and they were to receive *pattas* at the prevailing rates for ever. This Act, however, created much dissatisfaction among the special class of

tenure-holders who had acquired special rights by paying large amounts in *salamis* and *nazars* or by reclaiming the jungle for cultivation, because anybody who cultivated for a period of twelve years acquired the same rights as the *Jotedars* of Rungpur, *Guzastha* tenure-holders of Bihar, *Ganthidars* of Jessore, the *Chukwalas* of Sunderhans, *Amya* and *Abadkaridars* of Midnapore, *Junglebaridars* of Twenty-four Parganas, *Howladars* of Backergunj and the *Elmamdars* and *Tappadars* of Chittagong.

The mistake of 1794 now realised.—The mistake of abolishing the office of *Kanungo* was now realised by the Government. The Government experienced very great difficulty because of the absence of registers of the records of rights, transfers, purchases, sales, mortgages and gifts. The *Kanungoes* had maintained valuable records as described in the last chapter, which vanished with the abolition of their office. The Act of 1859, of course, provided for the maintenance of a register of estates, of changes in the ownership, by sale, gift or inheritance as these affected the holders from whom the demand was made by the Collector. But it failed as the registers now introduced and maintained were incomplete and did not show complete details of subordinate holders. The landlord could compel the purchaser of a *Patni* tenure by sending a *Sazawal* and attaching the tenure for not registering the transfer within a month, but he had no means to compel the ryot to register

all transfers carried out privately and thus the registers were never completed.

The Act was designed to define the relative rights of landlords and tenants and to open them (ryots) a prospect of freedom and independence; but the Act failed to achieve this result of far-reaching importance. Justice Fields observed in 1883; "Four and twenty years have passed since these words were written, and the experience of these years has not justified the observation as to the rights of the ryots being clearly defined 'by the measure, which was the subject of this encomium'". (748)

The Regulation V of 1812 as we have shown in the last chapter, created untold mischiefs for the tenant and it was thought to repeal or amend it. But the Bill that was framed for this purpose did not evoke any enthusiasm in the country. Indeed, when the Bill of 1857 was introduced in the Council, a pamphlet was issued by the public styling this regulation as '*Punjam Shaitani*' or '*punjam* or fifth *outrage*'. The Act X of 1859 sought to stop this mischief, but it, too, failed. A further improvement was made when the sale laws were amended.

Bengal Act VII of 1876.—Provision was made in this Act for the registration of land in Bengal and it continues to be in force up to the present day. The Act provides for the compulsory

registration of all revenue-paying and revenue-free estates, but the registration of tenures is optional. This is an improvement upon the Act of 1859, but is not complete as it does not contain provision for compulsory registration of every kind of tenure.

Bengal Act V of 1875.—This Act was passed to undo the mistake of 1794. Under this Act boundary surveys of estates and villages were made. The Act, however, was very defective as it did not touch the very vital question of the holdings of the ryots. This Act did not provide for any field-to-field cadastral surveys and their accompanying record of holdings and rentals and as such the province was without any such record, even after passing of this Act; and since this is the root of all agrarian trouble, this was not minimised by this Act. Thus the trouble continued between the Zamindar and the tenant over the rents, areas and actual dues.

The Tenancy Act of 1885.—The Bengal Tenancy Act VIII of 1885 according to Section 2 of which all the previous Acts on the subject were repealed, was decidedly a great improvement over all the preceding Acts and it might have been an ideal Act if the landlords of Bengal were not to be regarded as proprietors of the land; but from the evidence that we have before us, it is impossible to acknowledge them for a moment as owners.

It is difficult to deal with all the provisions of the Act in this small book, and it is, therefore, proposed to deal with the more important of the Sections as amended upto 1928.

Section 4: Classes of tenants.—This section divides the ryot into three following classes:—

1. Tenure-holders, including under-tenure-holders ;
2. Ryots ; and
3. under-ryots, that is to say, tenants holding, whether immediately or mediately, under ryots ; and the following classes of ryots, namely :—
 - (a) ryots holding at fixed rates in perpetuity ;
 - (b) Occupancy ryots ; and
 - (c) Non-occupancy ryots.

Section 6 and 7 deal with the cases of enhancement of rents in certain cases and limit of such enhancements.

Section 8 gives power to the court to fix gradual enhancement of rents spread over 10 years and section 9 lays down that rent increased cannot be altered for 15 years.

Section 12 deals with voluntary transfer of permanent tenure and section 13 deals with

transfer by sale in execution of decree for rent. Section 15 deals with the question of succession of permanent tenure.

Sections 90, 91 and 92 deal with measurements of fields etc. when so desired by the landlord.

Sections 101 to 104G deal with record of rights by which the Local Government of Bengal was empowered to order a settlement and prepare settlement records for every field throughout Bengal.

Sections 105 to Section 109 deal with the settlement of rents where parties cannot or do not settle rates among themselves.

Sections 109 B to 109 D deal with the powers of revenue officers regarding agreements and compromises.

Other sections deal with other judicial matters.

It will thus appear that the Act framed in 1885 was a most comprehensive one and afforded some protection to the unfortunate ryot of Bengal who was regularly exploited for centuries. The Act has been amended from time to time and improvements have been made from practical experience of revenue officers. The last amendment has been made in 1928 which received the assent of the Governor-General on the

14th December, 1928 and is called Bengal Tenancy Act IV of 1928.

The position in the Punjab.—The Province of the Punjab was annexed by the British in 1849. This province has a glorious history of peasant proprietorship in India. It was on this land that the *Rishis* issued injunctions in the Vedas declaring the earth to belong to the ryot. It was this land from where the Aryans spread civilization in other parts of India.

The British annexed the Punjab from the Sikhs. Maharaja Ranjitsingh was the greatest Sikh ruler. He had made a very systematic arrangement for the realization of land-revenue. The country was divided into various districts. In each district one *Kardar* was appointed to realise revenue under the control of a civil governor. The land-revenue never exceeded one-fifth of the produce of the land. Ranjitsingh used to check accounts himself, and if any of his officers was found to have exacted excess revenue from the ryot or committed fraud of any kind, that officer was suitably punished. He was a ruler who had the good of the public at heart. M' Gregor says that in order to 'learn all the grievances of his people, the Maharaja had a place at the palace accessible to all where their petitions were lodged, and received into a box, the key of which was kept in his own possession. By this means he acquired information that could never otherwise have reached his ears, and he thus

held a great power in his hands, by which he was able to distribute justice to all ; and he never failed to investigate all matters brought to his notice in this ingenious manner.'¹

Lieut. General Briggs in his work 'Land systems of India' after very careful and minute enquiries stated as follows :—

1. That the integrity of private property in land had been recognised in every village in India ;
2. That the Government had no right to the land but only to a share in its produce, *i. e.*, a land-tax ;
3. That the share was limited by Hindu and Mohammedan law and could not be arbitrarily fixed ; and
4. That the British Empire could be made durable only if based on the broad basis of native institutions.

But to revert to our subject, soon after its annexation, the Punjab was placed under a Board of Administration. A Chief Commissioner was appointed in 1853 and the province was finally placed under a Lieutenant Governor in 1859. At this time every cultivator ploughed his land *kasht-hasb-makdur* or according to ability and

1. History of the Sikhs, Vol. I pp. 286-89, by Captain W. L. M. Gregor, M. D.

proprietors nor could even obtain the occupancy rights, there being no twelve years rule in that province. Much, however, was done to the peasants by this system. The condition of the peasants in the Punjab has been graphically described even by the Government of India. It is stated in one of their most authentic documents that in the Punjab landowners themselves cultivate about 50 per cent of the total cultivated area, some 10 per cent is held by tenants with right of occupancy and the remaining 40 per cent by the tenants-at-will. The tenants with right of occupancy are protected by law from arbitrary ejectment or enhancement of rent, and their position is a very secure one. (?) The tenants-at-will may be ejected or may have their rents enhanced at the will of the landlord, the only protection given them by the law being that, if ejected, they can claim compensation for improvements, and if they break up the land from waste, compensation for disturbance also.' ' There are in the Punjab some three million tenants-at-will cultivating over ten million acres.² It is clear from these statements that the real tillers of the soil in the Punjab are more or less in the position of serfs with no real right to the soil they till and enrich.

Punjab Tenancy Act XVI of 1887.—The

1. Land Revenue Policy of the Indian Government, p. 84.

2. Ibid, p. 85.

first Tenancy Act in the Punjab was passed in 1869 which was replaced by the Act of 1887. The Act defines occupancy tenants as :—

1. Those who for two generations have paid neither rent nor service to the proprietor but only the share of the land-revenue ;
2. Those who are ex-proprietors ;
3. Those who had settled along with the founder and aided in the first clearing ; and
4. Those who had been revenue assignees and had remained in possession of the land. *

This classification of the tenants is certainly ingenious and opposed to all Hindu and Muslim principles. We have seen previously that according to Hindu Law he who cleared the wood was regarded as proprietor of the land. The Village Headman (*Mukhia*, *Patel*, *Chaudri*, *Mehta*, *Lambardar* or call him by whatever name) was the village servant and never a proprietor of the soil. He was a representative of the village to the Government of the day and served the community as elder of the village by exercising his influence to keep peace and order. This position of the *Lambardar* was changed into that of a proprietor and of all other residents, into

* Cf. Baden Powell, p. 141.

that of tenants. The reasons given are as follows : "Ordinarily," says Sir J. B. Lyall, "rent did not go to the proprietors in those days ; the Government or the *Jagirdar* took the real rent direct from the cultivators by grain division or crop appraisement" and the proprietor got only "proprietary dues." "These consisted of some money payment, or a small share in the grain (one seer in forty or so). The reason why so many tenants are shown as paying cash rents in the present day, is that they really only pay (through the proprietor) the amount of the Government revenue, (which is always in cash), to which, perhaps, some small addition (usually calculated so many annas per rupee of revenue) is made." ¹

It is a pity that real facts are distorted by such eminent personages. The Headman was never a proprietor and his share of one seer in the maund was set aside "not as dues of proprietor" but for his services which he rendered to the community. In the past and till recently even village menials (*Chamar, Balai, Dhobi, Nai, Churha, Bhand, Charan, or Bhat*) were paid some share from the village produce by each cultivator but such a reward for their services did not and could not make them proprietors of the soil. The king or the *Jagirdar* in ancient and medieval India received land-revenue direct from the cultivator as he was the only real

1. Cf. Baden Powell, P. 141.

owner of the land. It is a pity that inspite of the existence of overwhelming evidence in favour of the cultivator their rights were not recognised by the Punjab Act of 1887. On the contrary, the Act took away, as we have seen before, most of their rights and conferred the same on the persons who were really their servants in the beginning. The only relieving feature of the Act was that it protected the tenants from arbitrary ejectment and arbitrary enhancement of rent.

The Land Alienation Act of 1900.—This Act was designed to save the cultivator from the clutches of the village money-lender—the *Sawookar*—against whom there has been so much agitation in recent days. This Act was amended in 1907 and the amendment sought to give greater protection to the cultivator. But this Act has miserably failed to achieve its original purposes. It has placed the cultivator in a very awkward position. The indigenous village money-lender is debarred from advancing anything to the cultivator on the security of land, as the land cannot pass to him, but can be placed under usufructuary mortgage for a maximum period of 20 years when it is redeemed without further payment. These being the restrictions the village money-lender naturally does not regard the land as a tangible security and as such there is no room for free competition for the money to play its part. These restrictions have also reduced the sale value and mortgage

value of the land. A new class of money-lenders has sprung up. This is the landlord class or what they are called, the agriculturist money-lenders. They are, as experience shows, a more rapacious class of persons than the indigenous village money-lender. They dictate their terms to the helpless peasant and in course of time draw such a web as to deprive him of his land and themselves become the master of the land. The cultivator who was a few days ago an owner of his land, has become the tenant of the merciless landlord.

Colonization of Punjab Government Lands Act of 1912.—This Act was designed to regulate the new settlers on the waste lands made cultivable through irrigation extensions. According to the provisions of this Act the colonists begin to till the land as State tenants without any rights to sell, mortgage, or transfer the land in any way. After some length of time they are given occupancy rights and after another lapse of time, on payment of a simple fee, they acquire proprietary rights.

The position in Burma.—The Province of Burma was annexed in instalments in 1826, 1852, and 1885, Lower Burma was taken in 1826 and 1852 while the Upper Burma comprising the dominions of king Thibaw was annexed in 1885.

Position under the Burmese King.—The peasant was recognized as proprietor in Lower

Burma in very ancient times. As in India so in Burma, the Aryan principles of landholding were recognised and the land belonged to the first clearer of the wood or to one who first cultivated it; the king received (as revenue or what we called in India, *Vali*) a share in the produce of the soil. Tithe was the common tax and there were also royal lands on which a capitation tax was levied. The revenue on the fields was assessed by a rough calculation and this was fixed according to the number of cattle actually employed in cultivation.

The collector of the royal revenue was called *Myo-ok* and he was somewhat like a modern *Tehsildar*. The district under his jurisdiction was called *Thugi*. The village was called *Queng* or *Kivin*.

Land policy of the British in Lower Burma.—The land and Revenue Act II of 1876 gave the rights to the settlers to the customary mode of acquisition when the province was annexed by the British. This Act gave the ryot a permanent right in the land to all who had been in possession of the land for twelve years.

Lower Burma Settlement resembles ryotwari system.—Lower Burma is completely settled though it is not officially designated as such. The settlement is made with each occupant who is assessed at the settlement rates which are fixed for a term of

years. The cultivator has the option to cultivate the whole of his holdings or to resign any part of his holding at any time he may so desire. Each village is demarcated at the settlement time which is necessary under Act V of 1930. Records of rights are prepared and are maintained by the revenue authorities. Grazing grounds allotted for the use of the village are shown in the maps which also show gardens and the miscellaneous cultivation called *kaing*. There is also shifting cultivation in low hills of Yoma etc., but in these tracts the cultivators do not acquire any occupancy or proprietary rights. This type of cultivation is called *Taungya* and is assessed by means of a small money-tax.

Position in Upper Burma.—In the Upper Burma the land is divided into two kinds, State lands and non-State lands. The land under the first class is composed of the royal domains, of the Burmese kings which used to be cultivated through slaves and those assigned to civil and military officers and officials. Non-State lands included all privately-owned lands whether cultivated or waste. On the royal lands the king was entitled to a revenue or rent and was considered the owner of the land, while on the non-State land no revenue was realised. A house-tax called *Thathameda* was levied at a uniform rate from all people, rich or poor.

Land and revenue regulation for Upper

Burma III of 1889.—This Regulation contained description of different classes of State lands (cultivated, waste and abandoned) and rent was fixed for all State lands. This Regulation also declared that all non-State lands were liable to assessment and the house-tax was either to be adjusted or exemption given to the holders of such lands as the Government might authorise by rules. The Act also provided for the leases by the Government of land and for reconstitution of district administrative machinery. The Regulation intended to preserve the native characteristics of landholding as far as practicable. The Regulation was amended in 1901 in certain aspects.

The position in Assam.—We have discussed in the last chapter measures taken by the British Government till 1835 and it is, therefore, necessary to deal with certain developments after the period in this chapter. The revenue-law of Assam had been in a state bordering on chaos till 1881 when Sir Charles Elliot was appointed Chief Commissioner of Assam. At this time, every variety of organization known to India was at work and the confusion was worse confounded by the absence of any system to deal with the numerous difficulties attending on land administration. In 1882 he formed a department, Directorate of Agriculture, under which he directed the settlement operations to be carried out. The Land Regulation was passed in 1886.

Forms of tenures in Assam.—Assam contains the following kinds of land-tenures :

1. Ryotwari in most parts though not so officially called ;
2. Permanent Settlement in certain districts like Sylhet and Goalpara ;
3. Temporary land settlement with Zamindars, and
4. Hill Districts where no system prevails,

1. **Ryotwari System.**—Under this system the land is classified as *Bari* or *Basti* (House and Gardens), rice-land as *rupit* and other lands as *Faringati*. In the backward districts the settlement is on yearly basis where *Pattas* are granted annually to the cultivators. *Mauzadar* system prevails in the more settled districts where agriculture is permanently carried. The collection is made through a contractor for revenue collection called *Mauzadar*, who has the assistance of the village accountant called *Mandal*. They are remunerated by commission payment. Some districts are placed under Tehsildars who are paid servants of the Crown and in such districts *Mauzadars* are no longer retained. The cultivator is designated as landholder and is for all purposes a proprietor of his land though not so officially declared. The holder who held land 10 years before the Regulation, was considered a permanent holder, while this title is now

acquired by those who take leases of waste land or by grants of settlement for ten years.

Revenue free estate.—There are certain holdings which are not liable to pay any revenue to the Government like the *Lakhirajdars*. These are the grants made by the Hindu Kings of Assam for religious purposes to *Brahmanas*, officers and vassal chiefs. The British Government on taking possession of Assam declared all such grants cancelled, but some of the holders were allowed possession free of rent; others subject to assessment. The assessment was fixed at about half the rate charged from ordinary ryot and such holders were called *Nisfkhirajdars*. These holders now no longer enjoy any special privilege save of the payment of half of the revenue and they have merged into the category of ordinary landholders.

2. **Permanent Settlement.**—The Permanent Settlement operates in Assam in the two districts of Goalpara and Sylhet which were originally parts of Bengal Province. The Permanent Settlement with the Zamindars is in vogue in that portion of the Goalpara district which was transferred from the Rangpur District. The holders here, numbering about 20, are the old land-revenue contractors who were called *Chaudhris* and were recognised as landlords under the Permanent Settlement. The acquisitions from the territory of Bhutan in 1866 were also added to this district. Two of the landholders who were probably Rajas,

are recognised as landlords while the whole of the portion of Eastern Dwaras is under the ordinary landholders tenure (ryotwari) of Assam. This portion is governed by a special Act XVI of 1869.

The portion of Sylhet district which was under cultivation in 1793 is under Permanent Settlement and the holders are called *Mirasdars* as they are supposed to be original holders and not land-revenue contractors. The uncultivated land which has recently been brought under cultivation is under the temporary settlement. These lands are called *Malabadi* tracts.

3. *Zamindaris*.—These are held by grantees and tea-estate proprietors. There are also certain *Jagirdars* who are descendants of officers of native courts or land-revenue contractors.

4. *Hill districts*.—These districts are governed by Regulations of 1873 and Regulation II of 1880 simplified by Regulation III of 1884. There is no land-revenue system applying to these districts, but a house-tax is recovered, from all people. Cultivation is permanent in some parts while in others it is carried on temporarily or, what they call, under the shifting method. This shifting method is locally termed as *Jum*.

The position in the United Provinces of Agra and Oudh.—There are two measures in U. P. which deserve to be described here. The first is

the Agra Provinces Act II of 1901 (since amended). There are tenants in the Benares division of these Provinces who pay rent at fixed rates under the permanent settled rules of Bengal. The other tenants (in other parts of the Provinces) are protected from ejectment if they have occupied the lands for 12 years. Tenants of standing for a shorter period are tenants-at-will. Ex-proprietary tenants *i. e.*, those who once held the village in *Sir* are given remission of rent by twenty-five per cent.

The second legislation is the Bundelkhand Land Alienation Act of 1903. This is drawn up on the same model as the Punjab Act. We have discussed the pernicious effects of the Punjab Act in the preceding paragraphs in this chapter and it is, therefore, not proposed to deal with this here at length. Suffices it here to say that this act has adversely affected the interests of the cultivating holder to the same extent as in the Punjab.

The position in the Central Provinces.—The Central Provinces were provided with a Tenancy Act XI in 1898. 'In the Central Provinces, the more or less artificial creation of *Malguzar* proprietors over the villages resulted in a wide scheme of protection for the rights of the old cultivating class.' 'The landlords in these provinces have a nominal control over a large part of the tenantry.' The tenantry is divided into three classes.

The first class consists of 'absolute occupancy tenants' who were recognised at the first settlement as having strong claims to the land in their possession. They cannot be ejected on any account and their rents are fixed for the term of the settlement. In the three districts of the province there is another class of tenants who are termed 'occupancy tenants' where 12 years rule apply as in Agra Province and Bengal. In the other districts, occupancy tenants are those who were recognised as such in 1884. The others are tenants-at-will. The tenants holding land for village service have been recognised specially in the Act. The rent of all tenants is settled and fixed at settlement time. ¹

The C. P. Land Alienation Act of 1916 is applicable only to aboriginal classes.

The position in Madras.—The Tenancy Law of Madras till 1908 was imperfect and gave little or no protection to the ryot under the Zamindari tracts of that province. The Madras Estates Land Act of 1908 was an improvement over the earlier Acts on the subject. This in certain respects afforded greater protection to the tenants than even the Bengal Act of 1885. For instance, it laid down that 'every ryot now in possession or who shall hereafter be admitted by a landlord to possession of ryoti land' shall have a permanent right of occupancy in his holding. Under

1. Cf. Baden Powell, p. 140.

the provision of this Act which is still in force, the landlord cannot raise the rent and cannot dispossess any ryot without a decree of the court. Except his homestead all lands are declared as public lands. The ryot is really given great protection under the Zamindars in this province.

Messages of His Imperial Majesty King Edward VII and His Imperial Majesty King George V.—The message of their Imperial Majesties Kings Edward VII and George V are as historic and valuable as that of Her Imperial Majesty Queen Victoria. These messages were sent on 2nd November, 1908 and 15th December 1919 respectively. They are given in Appendix "C" and Appendix "D" respectively. These messages show the concern which the king feels for his Indian subjects. But inspite of these repeated declarations and inspite of the tenancy laws the fact remains that the people are poverty-stricken and have not been able to improve their lot.

Rural condition as disclosed by Government Investigators.—We have shown at length that the policy of the East India Company was suicidal to the interests of the peasantry of India. Lord Salisbury, Secretary of State for India, (afterwards Prime Minister of England) wrote as follows, in 1876 which shows in what condition the peasantry was left by the Company:

"So far as it is possible to change the Indian

system, it is desirable that the cultivator should pay a smaller proportion of the whole national charge. It is not in itself a thrifty policy to draw the mass of revenue from the rural districts where capital is scarce.....The injury is exaggerated in the case of India, where so much of revenue is extorted without a direct equivalent. As India must be bled, the lancet should be directed to the part where the blood is congested, or at least sufficient, *not to those which are already feeble from the want of it.*" This shows that Indian cultivator had already been bled to the last drop by the East India Company and further bleeding of the ryot was impossible at that rate.

The Famine Commissions of 1880 and 1901 were unanimous that the condition of the ryot was hopelessly bad. Dr. Voelckar, the consulting chemist of the Royal Agricultural Society said in his report of 1889 that 'the ryots are too poor to do anything unaided.' The Royal Agricultural Commission observed, "To a very great extent the cultivator in India labours not for profit nor for a net return, but for subsistence." Dr. Harold Mann, Director of Agriculture in Bombay wrote in 1928: "Little could be done on an extensive scale until the Government and the social reformers recognised that the secret of the whole prosperity of the agricultural population was the filling of their stomachs. The empty

stomach was the greatest obstacle to progress in India, and he wished to emphasise before he left the country that all efforts should ultimately be concentrated on filling the stomachs of the people." He further states, "My last message to the people of this land, to all social workers and to those in charge of the administration is to devise means whereby the cultivators might be given sufficient food." ¹ His Excellency Lord Curzon estimated in his budget speech the average income of an Indian cultivator as £ 2/- a year or roughly, Rs. 30/-. The Simon Commission remarked that "the depth of poverty, the pervading presence of which cannot escape notice, is not so easily realised." ² The Indian Central Banking Enquiry Committee said, "Thus the general poverty of the agricultural classes is a matter which is beyond dispute." ³

This is proved from the utterances and writings of the Government servants that the condition of the ryot in India, who were well-protected and rich, *Dhantantah* in the Hindu period, is hopeless and that unless immediate measures are taken to ameliorate their condition, the people of India are inevitably doomed to extinction.

The Reasons for Poverty.—The reasons for

1. The People, October, 1928.

2. Report of the Simon Commission, Vol. I, p. 33c.

3. Report of the Indian Central Banking Enquiry Committee, Vol. I, p. 39.

the grinding poverty of the Indian cultivators are as follows:—

1. Large tracts of lands are held by Zamindars, Malguzars, and others of the same order both in British India and Indian States and the cultivators are reduced under them to the position of serfs;
2. Incidence of taxation is very heavy.
3. Cultivators have uneconomic holdings;

There are other reasons, but in this small book it is difficult to discuss all of them. As these three are related to the subject matter of our book and are the most important, we propose here to deal with them briefly.

Tenure condition in India.—We have discussed in the foregoing pages the great variety of tenure-holders and to sum up the situation the following table may be constructed:

1. , Ryotwari System.

- (a) Madras,
- (b) Bombay,
- (c) Berar.

2. Ryotwari in principle but not officially, so called.

- (a) Assam.

(b) Burma and

(c) Coorg.

3. Landlord Settlement.

(a) Permanent Settlement of Bengal, Bihar and Orissa, Benares and North Madras; Goalpara and Sylhet in Assam.

(b) Temporary Settlement in Bengal;

(c) Temporary Settlement with *Taluqdars* in Oudh.

4. Zamindari Settlement called *Mauzawar* or *Mahalwar* but not so officially acknowledged in

(a) United Provinces of Agra and Oudh

(b) Central Provinces;

(c) The Punjab.

It will be seen that about three-fourths of British India are under some form of Zamindari Settlement where the peasant proprietor has lost his rights over the land and has consequently been reduced to the position of a tenant.

Regarding the condition of the ryot under the Zamindars the Government of India have thus stated: "It is precisely because this is not the case, and because so far from being generously treated by the Zamindars, the Bengal cultivator was rack-rented, impoverished and oppressed...." ¹ The Government

¹ Land Revenue Policy of the Indian Government.

have unreservedly acknowledged the miserable failure of the Permanent Settlement, of Bengal, and of all other forms of Zamindari Settlements, in India. It is just in the nature of things that an artificial system cannot work successfully for any length of time. These Zamindars hold large tracts of lands and utilise the income not for the well-being of the ryot but in unnecessary and unproductive uses. Besides revenue a great number of highly objectionable and illegal cesses (*abwabs* or *logs*) are levied, which were prohibited by the British Government as early as 1794. A list of these *abwabs* is given in Appendix 'A' and this must show that inspite of this prohibition, illegal exactions are going on and more especially these are freely exacted in Indian States and *Jagirs* under them.

It is a matter of common knowledge that the cultivator who was once the proprietor of the soil and is still reckoned as such in the Madras, and Bombay Presidencies and the ceded districts of Berar, has been reduced in other places to the position of a mere tenant-at-will. It is true that subsequent Tenancy Acts have extended large measures of protection to the ryot, but the difference between a ryot and a Zamindar remains startling. The Zamindar is a man of position, is represented in the Council and Assembly, has means to approach the highest authority in India, has formed organisation of his own and has able

advocates in the Assembly members to plead his cause. He has money, power, influence, strength and what not. It is inconceivable that a ryot who has to live in the *Thikanas* of the Zamindars of such power, influence and eminence, can afford to raise his finger against the *columns* of the Zamindars. The ryot is disunited, weak, impoverished, debt-ridden, uninfluential, uneducated and has none to back him either in the Council or other Legislatures and is left at the mercy of the Zamindar. It is the personal experience of the author as an Audit Officer that petty *Jagir* collecting officials cheat him as best as they can. There are Tenancy Laws in British India to protect the ryot to a certain extent, but there is absolutely no protection in many of the Indian States and in almost all the *Jagirs* under the Indian States. The recent troubles in Shekhawati, Sikar, Udaipur, Alwar, Kapurthala and other places serve to show the miserable condition of the ryot under these *Thikanedars*.

The *Kimauti* system in Bihar and Chota Nagpur, the *Halee* system of Kotah, the *Busi* system of Rajput States and the scornful word of *Palti* (tamed) in Rajputana are the living examples of the ryot having been reduced in these places to the position of a serf, which is even worse than that of tenant-at-will. There must be poverty and poverty alone where there are so many illegal exactions and where the cultivator can be ejected without any

reason at a moment's notice. The cultivator is not compensated for any improvement he makes, and loses all rights over the land if the *Thakur* is displeased with him, and in such cases the cultivator is reluctant to make any improvement. The oppressive taxation and the absence of proprietary rights in the land he sows account for the most critical and heart-rending economic condition of the ryot.

Incidence of Taxation.—The second point is that the incidence of taxation is very heavy. Under the Hindu law the land-revenue was fixed at one-sixth, one-eighth and one-twelfth of the produce of the land. Under the Mughal Government it was fixed at one-third. In exchange of this gift of revenue to the Crown, the ryot was to be provided with free justice, free police protection, free military protection, free medical aid and free education. But to-day we find that even the British Government after their solemn declaration of 1793 to abolish *abwabs*, levy road and other cesses over and above the big amount the cultivator has to pay as his land-revenue. (See Appendix 'A'). There is the *chauki-dari* cess, there is the road cess and above all, the ruinous litigation cost which most peasants have to incur if they want to defend the little of rights conceded to them by the later tenancy laws. The *bhadralog Vakils*, Barristers, *Mukhtars* and Revenue Agents as well as the Judges get fat fees and salary out of the income of the inadequately-fed ryot. In one Province of the Punjab, the annual

expenditure over litigation is almost about rupees twelve crores and if we multiply this by nine to arrive at the expenditure incurred for litigation in the nine major provinces of India, we get the staggering figure of more than one hundred crores of rupees.

Under the Saharanpur Rules of 1855, the Government expressly fixed the maximum demand of the State at 50 per cent of the assets. This was in itself an exorbitant demand and was unprecedented in the history of India. But in practice even 'higher percentage began to be realised' from the ryot. Careful calculations go to prove that the land-revenue demand in the U. P. is fixed at 55. 68 per cent; Punjab, 62½ per cent; C. P., 53 per cent, in Madras, 50 per cent plus cesses and in Bombay 50 per cent plus cesses. The position in Bengal is even worse than this. "The rental of the landholders of Bengal is now probably not less than £ 12,000,000 (Rs. 168,000,000) of which less than £ 3,000,000 (Rs. 42,000,000) is taken by the State." (Strachey). This shows that in Bengal the Government receive only a small fraction of the land-revenue while the ryot has to part with a much larger amount, the balance going to fatten the parasitic Zamindar to the detriment directly of the interests of both the Government and the tenant. The condition in the temporarily settled districts is no better. There the Government demand is fixed anew on each settlement and the increase is made on the basis of increase of commo-

dity rates and the sale value of the land. This demand which is a fixed money demand, is on the probable future income of the cultivator. In this arrangement the condition of the cultivator is still worse. A drought, a flood or any other natural disaster may seriously affect the productive capacity of his land and therefore his income. But the Government demand remains as an inexorable fact which must be faced and met whatever may happen to himself and his family. This uneconomic land-revenue system is responsible for the miserable condition of the ryot to a very great extent.

Uneconomic holdings.—The third point is that the ryot has uneconomic holdings. The Census Report of India (1921) gives the following figures of holdings :

Name of Provinces.	Acres.
Bombay	12.2
Punjab	9.2
Central Provinces and Berar	8.5
Burma	5.6
Madras	4.9
Bengal	3.1
Bihar & Orissa	3.1
Assam	3.0
United Provinces.	2.5

The Bombay and Punjab figures, apparently show good results but the following figures for the

Panjab taken from the Linlithgow Commission Report tell a different tale :—

Those cultivating one acre or less	22.5 per cent
Those cultivating between 1 and 2½ acres	15.4 "
Those cultivating between 2½ and 5 acres	17.9 "
Those cultivating between 5 and 10 acres	20.5 "

In this connection the Commission further observe: "Except for Bombay, which would probably show very similar result, and Burma which would give higher averages, all other provinces have much smaller average areas per cultivator." (P. 133). The reader may better be left to imagine the condition of the ryot who has to maintain himself and his family and pay the Government dues as well out of the produce of such small holdings. This accounts for his poverty to no less extent than the other causes alluded to in the preceding paragraphs.

A further cause of their poverty as well as of the deterioration in the quality of the cattle is the absence of special grazing grounds and separate land for producing fuel. In Hindu India, grazing lands and forests were the property of the public and free grazing and fuel were available to the ryot. In the Mohammedan times, each cultivator was allowed free grazing for a

number of cattle. (see chapter I and II for detailed information). This privilege of the cultivator which was being enjoyed by him from time immemorial and was his birth-right, has been snatched away from him. The result is that for want of fodder the cattle are fast deteriorating in quality and therefore productive capacity. A further bad effect of the absence of wood from which free supply of fuel is available, is that the cultivator has to use up all the droppings of his cattle as fuel leaving little for use as manure. He has often to use even a part of his small holding for producing fodder for his animals and fuel for his kitchen. At certain places he has to pay a grazing tax. There can be no question that in an agricultural country like India such a tax deserves to be abolished at once.

Such is the condition of the people after hard labour performed by the Government to ameliorate their condition. It is evident that notwithstanding the best intentions of the authors of the existing land laws, the condition of the peasants remains far from satisfactory and that, therefore, the system needs be completely overhauled.

The Remedy.—The remedy lies in immediate steps on the following lines:—

1. The cultivators should be given back their birth-right and again proclaimed the proprietors of the soil. They have a right to insist on this right

which was unjustly confiscated. The Pitt's India Act of 1784 declaring that the settlement is to be made according to the *established laws and constitution* of India stands unrepealed. The proclamations of Her Imperial Majesty Queen Victoria and His Imperial Majesty King George V, further strengthen the claim of the principle underlying Pitt's Act to be put into practice. The two proclamations definitely gave promise to the people of India that the Crown would respect their established laws and constitution. The proclamation of Queen Victoria, an extract from which is reproduced at the beginning of this chapter, is undoubtedly couched in a most noble language and is a proclamation which promises to do justice to the peasantry and give back their lost birth-right, *i. e.* their lordship over the land which they till and which their ancestors tilled centuries ago. It is, therefore, the duty of the Government of India to make an enquiry into the titles of the landlords, and if found defective, as we know they will be, to make over to them the lost rights of the peasantry, and re-establish the "Ryotwari" system prevailing in the country from time immemorial.

2. The second point is that the incidence of taxation is very heavy and the entire system deserves to be revised. There is no law in India, either Hindu or Muslim, which gives title to the Government to arbitrarily raise the revenue at each settlement and as the Government is entitled

to a share of the produce for the protection it affords to the ryot, the Government may take that fixed proportion calculating the value of his produce at the current market rate for the year. Fixed money-tax is out of law in India. The Ryotwari Settlement, therefore, should be made permanent and the land-tax fixed according to established laws and constitution of India which is never more than one-sixth of the gross produce according to Hindu law and one-third according to the law of Islam.

3. The levy of *Abwabs* or cesses which was declared illegal in 1793, should hence-forward be prohibited. The heart-rending list of *Abwabs* given in Appendix 'A' shows how mercilessly the ryot is bled in this country. One-sixth of the produce of the land is quite a heavy amount which the cultivator will pay to the State as land-revenue and it is only fair that the Government should meet all their expenses out of this revenue without exacting further taxes from the ryot.

4. Under the Pitt's India Act of 1784, the land-revenue contractors who are now *Malguzars*, *Zamindars*, *Taluqdars*, *Pattedars* and *Mamlaguzars* etc. must be reduced to the position of ordinary cultivators or ejected from their illegal holdings. Even if they may be retained out of favour, they are not entitled to devour the whole of the revenue they exact from the ryot. His Excellency Lord

Irwin (now Lord Halifax) the then Viceroy and Governor-General of India, said in reply to an address presented by the Calcutta Zamindars on 18th December, 1926:

“All good landlords know that their tenants are really in the nature of a trust.....A tenant's duty is done when he has paid his rent. A landlord's is not discharged until he has seen to it that his tenants have adequate housing, decent conditions of life, and the opportunities for education, which will fit them to be useful members of their village and of the State.”

Surely this was a very noble utterance of Lord Irwin and his successor Lord Willingdon has rightly observed that the foundation of the State is the peasant. Lord Willingdon has shown his practical interest in the well-being of the ryot by many enactments and works of rural uplift like the appointment of the Marketing Board.

Now to revert to our subject, we have seen that Lord Irwin pointed out rightly that the landlord was not entitled to the whole of the village income. He was entitled to only a portion and the rest was to be utilised by him for the good of his ryot. The landlord may thus be allowed a commission of one per cent. over

the entire collections of his village for his personal expenses plus the salaries of his servants employed in the collection work and the rest of the income should be utilised for the good of the ryot from whom it is realised. By this process the landlords will revert to their old position of land-revenue-collecting agents. If this is not accepted, these revenue contractors may be given a pension at the rate of one-sixteenth of their income and the *pargana* under them declared ryotwari holdings. The land may be parcelled out and distributed to those cultivators who have uneconomic holdings thus enabling them to have two full meals a day.

So long as the Zamindari system prevails in India, the peasant must be born hungry, must live hungry and also die hungry. If this parasitic class be not eradicated the soil cannot be improved as the cultivator cannot do it. The land-lord does not care to do it. There is a huge waste of national wealth of the country. In order to uproot this evil, the other solution put forward is very simple. In Denmark all feudal and glebe lands were confiscated by the Government by the law of October 4th, 1919. By this law the landlord was allowed possession of one-third of his land while the remaining two-thirds were taken possession of by the Government. The State parcelled out these lands into small farms and distributed them among the peasants. This can be

done in India also. The landlords may be required to part with three-fourths of their land at a cost of 5 years' revenue. For this sum the Government may issue bonds to the landlords for the liquidation of the debts in 25 years from the sale price of the land to the peasantry. Out of the one-third land, the landlords may retain for their household expenses one-tenth of the income and the rest may be applied for the good of the peasantry. This will give the ryot their birth right back though at a very high price; but they will be able to better their position in time to come and free themselves from the ruthless oppression to which they have been subjected for centuries by these merciless land-revenue contractors.

5. The question of land-revenue contractors who are unjustly proclaimed proprietors of the land to which they have no right, having been disposed of, the question of those landlords remain who are descendants of the old Indian rulers. They are undoubtedly entitled to receive land-revenue for the protection afforded by their ancestors and which they now afford to the ryot. They are not masters of the land. The land in such principalities belongs to the ryot. The chief has only a claim to $6\frac{1}{4}$ per cent of the revenue for himself and his household including his attendants and personal servants. The Government of India in these cases have to see that in such areas the land-revenue demanded is not higher than that realised from the tenants

in British India that is fixed in perpetuity and, that no other cesses are levied on the tenants. The chiefs of native States should not spend for themselves more than 6½ per cent of the revenue and the rest should be utilised for the good of the ryot.

6. The same should apply to the Indian princes, big or small.

7. The question of the *Jagirdars*, *badhdars* and other service-tenure-holders of the Indian State deserves the attention of the Government. The land-revenue contractors like the Shekhawati chiefs, the Biswedars and Zamindars are to be dealt with as in article 4 above, while the other local chiefs are to be dealt with as in article 5 above.

8. Grazing grounds and forest for fuel for the cultivator should be thrown open without any charges both in British and Indian India.

9. The charity tenures should not be touched by the Government, but provision should be made by suitable legislation for the utilisation of the large incomes of their estates for useful public works.

While concluding we again appeal to the Government to give the peasants their birth-right and proclaim Ryotwari Permanent Settlement in

India with relief in land-tax rates. This cannot be denied by the Government as this was promised in the Pitt's Act and the Proclamations of successive Emperors of India.

APPENDIX A.

Illegal and unjustifiable *Abwabs* (cesses) which were prohibited by the Government of India, on the recommendation of the Committee of Circuit as early as 1772 in British India, are still being levied and realised in a number of Indian principalities, Zamindaries, Taluqdaries and other forms of landlord possessions and the following partial list of such illegal cesses will demonstrate the proportion of illegal demands to land-revenue (which also in many cases in Indian India is higher than in British India). The list will also give the reader an idea of the exaction to which a peasant is subjected.

1. RAJPUTANA.

1. Urapher—A cess of Rs. 3/4/- per 100 bighas of land per year on account of travelling expenses of *Thikana* or State servants;
2. Gadh-jiman—A cess of one and a quarter maund of grain from the produce of the land of 100 bighas for the feeding expenses of the servants and members of the household of the Zamindar;
3. Saribhari—A tax from Rs. 6/8/- to Rs. 17/- paid by each cultivator to the Zamindar on the occasion of the marriage of his daughter;
4. Kans—A tax on each cultivator at the time of marriage in his family when he is required to send to the Zamindar provision at some places for 11 men, at other 21 and at still other places even for 50 men.
5. Murdabhat—A tax of Rs. 5/- per death in the houses of ryot, charged by the Zamindar;
6. Sircharhi—A cess charged from the cultivators along with the land-revenue for conveyance of the tax to the head-quarters (*Sadr*) treasury;
7. Kanwarjika Batkia—An arbitrary tax or extortion of provision from each cultivator at the time of the marriage of the son of the Zamindar;

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8. Ghoreka-ghee—A cess realised from each cultivator in the name of *ghee* for the horses of the Zamindar ;
9. Abwab-i-faujdarī—Fees for defraying the salaries and other expenses for the administration of criminal justice ;
10. Abwab-i-Radhari—A cess imposed for the repair of roads ;
11. Sarf-i-sikka—An impost to cover the loss on the exchange of the coin or depreciation of it ;
12. Dhuan-bach—House of Smoke tax charged annually from each house-holder in towns and villages ;
13. Angah—A body tax ; it corresponds to *Jazia* of Muslim period ; Rajputs are exempted from this tax ;
14. Pusgeti—A kind of plough tax ;
15. Malba—An imposition to defray the pay of the village Policeman (*chaukidar*), expenses of the *Patwari* (village accountant), village lighting charges, travelling expenses of the village *Patel* or *Chaudhri* or *Mukhia* or *Mekta* or *Lambardar*, and entertainment of State or Estate officials ;
16. Dhatoic—A terrenal tax of five rupees levied on each plough ;
17. Dind Khushali—An arbitrary annual compulsory exaction ;
18. Gasmali—A graduated tax on cattle, or as the term signifies, the right of pasture ;
19. Kewari—A door cess and one of the most oppressive cesses known in Rajputana ;
20. Burrar—Forced contribution to the treasury ;
21. Chara-ghas—A cess from Rs. 10/- to Rs. 40/- from each village annually ;
22. Khalgada—A cess charged annually from Rs. 5/- to Rs. 10/- from each village ;
23. Nailag—A recent impost of one per cent on the total revenue of each village ;
24. Nikta-ki-lag—A general tax levied on all cultivators and ryots on the occasion of some death in the house of the Zamindar. It is also known as *Kusar* or *Mansar-ki-lag* ;

25. **Nazar**—Paid by each *Mekia* (village Headman) and in many cases by each cultivator to the State Officials, and invariably in all cases to the Zamindar;
26. **Charagah**—An additional impost for all animals sent for grazing in the pasture fields;
27. **Ped-ki-lag**—An impost on private trees of the cultivators;
28. **Sayar**—An impost on internal traffic of goods;
29. **Nam-ki-lag**—A sort of census tax for recording names of each house-holder in the zamindari. This amounts generally to two annas per house annually;
30. **Tikka-ki-lag**—Vaccination tax, one anna per house per annum;
31. **Ghas-ki-lag**—An impost of one anna per annum per house;
32. **Ladu-ki-lag**—An impost for the sweetmeat for the Zamindar at the rate of one pice per rupee on the total land-tax;
33. **Uttarka**—An arbitrary impost under the name "discount" or *Batta* tax at the rate of one pice per rupee on the total land-revenue;
34. **Pan-charai**—An additional impost of one rupee per annum on each camel as grazing charge;
35. **Animal tax**—One pice per rupee on the sale price of each animal is charged from the owner of the animal by the contractor who is given such a contract. In addition to this the owner has to pay to the Zamindar Rs 11/- on the sale of each cow or buffalo, Rs 2/- on each camel and Rs 1/4/- on each bullock;
36. **Green crop tax**—The zamindar, in addition to the land-tax and all these cesses, recovers the following quantities of green crops from the cultivators:
 - (a) On each plough: green *Moth* of two bighas;
 - (b) Do 225 green playts of *Bajra*;
 - (c) Do 150 *Paolas* of *Kadvi*;
 - (d) Do 5 seers of *Gajar*;
 - (e) Do One cart-load of *Pala Jhard*
 - (f) Do One traund of dry *Palq*;

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- (g) On each plough: one camel-load of green *Jawar*;
37. Tulai-ki-lag—An impost of one rupee per plough as feeding charges of the weigh-man;
38. Tulai-ki-kasar—An additional impost of one quarter seer of grain per maund as charges for weighing;
39. Hola-ki-lag—Five seers of wheat plant as an additional impost;
40. Kua-ki-lag—In addition to the water cess of about Rs 8/- per well, the following imposts are charged from land watered by one well;
- (a) Four *Kiaries* of wheat or barley;
 - (b) Four *Kiaries* of *Gajar*;
 - (c) Ten seers of dried barley;
 - (d) Five seers of wheat plant;
 - (e) Four to ten maunds of *Bhusa*;
41. Kunt-ki-lag—In addition to the cash tax, the cultivator is required to pay one-fifth of the gross produce of the land to the Zamindar;
42. Shadi-ki-lag—An impost on each marriage from Rs 1/4/- to Rs 2/4/- from each cultivator. In addition to this the cultivator has to supply provision for 12 men of the Zamindar;
43. General karaj-ki-lag—On the occasion of each ceremony in the house of the Zamindar, the cultivators are required to pay Rs 5/- per house.
44. Rotikhilai-ki-begar—This is an impost for each guest of the cultivator. When a cultivator is visited by a guest, he has to pay one man's food to the Zamindar;
45. Kammal-ki-lag—It is an impost on each blanket charged in the winter on each new blanket purchased by the cultivator or ryot for the use of the members of the family;
46. Khat-ki-lag—An impost for each new bed purchased or manufactured by the ryot;

APPENDIX A.

47. Hal-begar—An impost for body labour from each cultivator for ploughing zamindar's *niji-zamin*; each cultivator has to work free of charge by turn for one day.
48. Lasia begar—An impost for body labour at the time of reaping the crop and husking the grain; here, again, each cultivator has to work for one day by turn;
49. Korad Begar—An impost for body labour free of charge for carrying the Zamindar's crops to his stores;
50. Dhulai Begar—An impost for camel or cart labour. When the Zamindar has either to get certain articles from outside or send certain articles to ~~outside~~, he orders one camel from each house; those who have camels, supply them free of charge for any number of days so required in the transport of the goods, while others who do not own camels have to pay cash penalty.

2. UNITED PROVINCES OF AGRA & OUDH.

51. Abwab-i-radhari—See item 10 above.
52. Angah—See item 13 above;
53. Gau-shumari—Tax on cattle;
54. Sar Darakhti—Tax on cultivators' trees;
55. Malba—See item 15 above. There are a few minor additions and alterations in expenses according to the circumstances of the place;
56. Peshkash—Thank offerings of certain appointments as those of headmen;
57. Hari-ki-lag—Resembles item 36 above;
58. Shadi-ki-lag—See item 42 above;
59. Salami—Fees to landlords; it covers very wide and irregular exactions;
60. Safrati—Fees on verification of coins;

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61. Adhuri—Tax on hides and skins;
62. Kassabi—Tax on slaughter-houses and butchers;
63. Maut-ki-lag—See item 24 above;
64. Mahi-giri—Tax on fishing;
65. Khana-shumari—House-tax;
66. Education cess;
67. Medical cess;
68. Sanitation cess;
69. Nazar—See item 25 above;
70. Mur-dabhat—See item 5 above;
71. Hasil-i-bazar—Tax on weekly markets (*Haat*);
72. Chunah kari—Tax on lime prepared for building a house;
73. Dabboghi—Tax on tanning hides and skins;
74. Rasm khanah—Tax on sale of house;
75. Rasm ziryat—Tax on sale of cultivable lands;
76. Rasm Patwari—An impost of one rupee per plough from each cultivator charged by the *patwaris* every season;
77. Begar—Body labour without payment;
78. Haljoti—Free labour on *taluqdar's* private lands;
79. Crop reaping—Do Do Do
80. Ashiaya dhulai—Free conveyance at times of transporting goods.

3. MADRAS.

81. Kanganam—Contribution paid by the cultivator to reimburse the landlord for the cost of supervision of harvest out of which *melvaram* is determined;
82. Russooms—Tax to meet the expenses of village servants;
83. Swatantaram;

84. Mathiru kasivu ;
85. Sadalvar ;
86. Swanibhogam ;
87. Kulavetu ;
88. Melwaram urai ;
89. Kudiwaram urai .
90. •Kanganam ;
91. Kulavettu ;
92. Money due for occupation of lands let for building a house
93. Pasturage fees ;
94. Padanazh ;
95. Sankaramanam ;
96. Mamool presents
97. Mahamai ;
98. Gramapichai
99. Nazarbhet ;
100. Kajana Takrar ;
101. Panchamati ;
102. Kattalavuvassi ;
103. Kongovi ;
104. Ayyanar cess ;
105. Tirupani cess ;
106. Amanji ;
107. Cesses for upkeep of temples or charitable buildings ;
108. Vattam ;
109. Nottam.

4. BOMBAY AND DECCAN.

110. •Mderas Pattee—An additional trennic tax on Maanadai

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111. Pundee Gunna—An additional levy of 12 per cent on the Tunkha once in 12 years ;
112. Vihir Hunda—An extra tax on lands watered from wells ;
113. Ghur Pattee or Amber Pattee—A house tax from rural population with the exception probably of Brahmanas under Hindu Zamindaris ;
114. Bat Chappanee—A tax on weights and measures ;
115. Luggan Tukka—A tax on marriages ;
116. Pat-dam—A tax on widow remarriage ;
117. Mhys Pattee—A tax on she-buffaloes ;
118. Rakra Pattee—A tax on sheep ;
119. Fudmash—An occasional tax in kind ; often paid in commutation of free labour ;
120. Wan Charai—A pasturage tax ;
121. Ghaskuttanee—A tax on grass-cutting ;
122. Nazar—Same as item 25 above. In some places in the Deccan it is taken to mean as succession duty charged from inferior landlords ;
123. Sairaffi—Coin testing fee ;
124. Internal customs duty.

5. THE PUNJAB.

125. Duties on local sale ;
126. Forced subscriptions ;
127. Tax on the sale of immovable property in rural areas ;
128. Tax on the sale of vegetables ;
129. Tax on cow-dung cakes ;
130. Tax on milk and curd ;
131. Grazing tax ;
132. Tax on grass-cutting ;
133. Tax on internal trade ;

- 134. Dast-yar—A tax on house census ;
- 135. Tax on widow remarriage ;
- 136. Forced free labour ;
- 137. Education cess ;
- 138. Sanitation cess ;
- 139. Medical cess.

6. BENGAL.

- 140. Zar Mathaut—This consists of the following four items :
 - (a) Presents at the time of annual settlement of rents ;
 - (b) Charge for khilats or honorary dresses ;
 - (c) Sanitation charge ;
 - (d) Fees to the Nazir of cash-collecting agent ;
- 141. Khas Navisi—Fees for the patwari (Village Accountant) ;
- 142. Harldari—A tax on marriages ;
- 143. Abwab-i-mehmani—An impost to defray the expenses of the Zamindar on his visiting the village ;
- 144. Sarf-i-sikka—An impost to cover the loss on the exchange of the coin. This is wholly illegal when there is only one universal coin throughout India.
- 145. Nazar—See item 25 above.
- 146. Rasm-khanah—House tax ;
- 147. Rasm-zarayat—Tax on sale of agricultural land ;
- 148. Selami—Tax on first letting the land to the ryot ;
- 149. Zar-pealgi—Realization of land-revenue before the harvest time.

Note.—The above partial list has been compiled either from published works of various authors or as a result of the personal enquiry made by the author or verification of official records by the author. The other provinces are left out, as the imposts are akin to those enumerated above. e. g. in the province of

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Ajmer-Merwara the Istamrardars charge more or less the same kindse of *abwabs* as are charged in the *Thikana* of Jaipur, Bikaner and Jodhpur States. This list is not complete and the author has good reasons to believe that there are a number of additional imposts in the zamindari tracts both in British and Indian India for which an enquiry is essential.

APPENDIX B

QUEEN'S PROCLAMATION

*Proclamation by the Queen in Council, to the Princes,
Chiefs, and People of India*

VICTORIA, by the Grace of God, of the United kingdom of Great Britain and Ireland, and of the Colonies and Dependencies thereof in Europe, Asia, Africa America, and Australasia, Queen, Defender of the Faith.

Whereas, for divers weighty reasons, we have resolved, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, to take upon ourselves the government of the territories in India heretofore administered in trust for us by the Honourable East India Company.

Now, therefore, we do by these presents notify and declare that, by the advice and consent aforesaid, we have taken upon ourselves the said government; and we hereby call upon all our subjects within the said territories to be faithful, and to bear true allegiance to us, our heirs and successors, and to submit themselves to the authority of those whom we may hereafter, from time to time, see fit to appoint to administer the government of our said territories, in our name and on our behalf.

And we, reposing especial trust and confidence in the loyalty, ability and judgment of our right trusty and well-beloved cousin, Charles John Viscount Canning, do hereby constitute

and appoint him, the said Viscount Canning, to be our first Viceroy and Governor-General in and over our said territories and to administer the government thereof in our name, and generally to act in our name and on our behalf, subject to such orders and regulations as he shall, from time to time, receive through one of our Principal Secretaries of State.

And we do hereby confirm in their several offices, civil and military, all persons now employed in the service of the Honourable East India Company, subject to our future pleasure and to such laws and regulations as may hereafter be enacted.

We hereby announce to the native princes of India, that all treaties and engagements made with them by or under the authority of the East India Company are by us accepted, and will be scrupulously maintained, and we look for the like observance on their part.

We desire no extension of our present territorial possession; and while we will permit no aggression upon dominion or our rights to be attempted with impunity, we shall sanction no encroachment on those of others.

We shall respect the rights, dignity and honour of native princes as our own; and we desire that they as well as our own subjects should enjoy that prosperity and that social advancement which can only be secured by internal peace and good government.

We hold ourselves bound to the natives of our Indian territories by the same obligations of the duty which bind us to all our other subjects, and those obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fill.

Firmly relying ourselves on the truth of Christianity, and acknowledging with gratitude the solace of religion, we disclaim alike the right and the desire to impose our convictions on any of our subjects. We declare it to be our royal will and pleasure that none be in any wise favoured, none molested or disquieted, by reason of their religious faith or observances, but that all shall alike enjoy the equal and impartial protection of the law; and we do strictly charge and enjoin, all those

'XII. PEASANT PROPRIETORSHIP IN INDIA, '

who may be in authority under us that they abstain from all interference with the religious belief or worship of any of our subjects on pain of our highest displeasure.

' And it is our further will that, so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted to office in our service, the duties of which they may be qualified by their education, ability, and integrity duly to discharge.

We know, and respect, the feelings of attachment with which the natives of India regard the lands inherited by them from their ancestors and desire to protect them in all rights connected therewith. subject to the equitable demands of the State, and we will that generally, in framing and administering the law, due regard be paid to the ancient rights, usages, and customs of India.

• We deeply lament the evils and misery which have been brought upon India by the acts of ambitious men, who have deceived their countrymen by false reports, and led them into open rebellion. Our power has been shown by the suppression of that rebellion in the field; we desire to show our mercy by pardoning the offences of those who have been misled. but who desire to return to the path of duty.

• Already, in one province, with a desire to stop the further effusion of blood. and to hasten the pacification of our Indian dominions. our Viceroy and Governor-General has held out the expectation of pardon. 'on certain terms, to the great majority of those who, in the late unhappy disturbances, have been guilty of offences' against our Government, and has declared the punishment which will be inflicted on those whose crimes place them beyond the reach of forgiveness. We approve and confirm the said act of our Viceroy and Governor-General, and do further announce and proclaim as follows:

• Our clemency will be extended to all offenders, save and except those who have been, or shall be, convicted of having directly taken part in the murder of British subjects. With regard, to such the demands of justice forbid the exercise
of clemency

To those who have willingly given asylum to murderers, knowing them to be such, or who may have acted as leaders or instigators of revolt, their lives alone can be guaranteed, but in apportioning the penalty due to such persons full consideration will be given to the circumstances under which they have been induced to throw off their allegiance; and large indulgence will be shown to those whose crimes may appear to have originated in too credulous acceptance of the false reports circulated by designing men.

To all others in arms against the Government we hereby promise unconditional pardon, amnesty, and oblivion of all offences against ourselves our crown and dignity, on their return to their homes and peaceful pursuits.

It is our royal pleasure that these terms of grace and amnesty should be extended to all those who comply with these conditions before the 1st day of January next.

When by the blessing of Providence, internal tranquillity shall be restored, it is our earnest desire to stimulate the peaceful industry of India, to promote works of public utility and improvement and to administer the government for the benefit of all our subjects resident therein. In their prosperity will be our strength, in their contentment our security, and in their gratitude our best reward. And may the God of all power grant to us, and to those in authority under us, strength to carry out these our wishes for the good of our people.

APPENDIX C.

IMPERIAL MESSAGE OF KING EDWARD VII TO PRINCES AND PEOPLES OF INDIA

It is now fifty years since Queen Victoria, my beloved Mother, and my August Predecessor on the Throne of these realms, for divers weighty reasons, with advice and consent of Parliament, took upon herself the government of the

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Territories theretofore administered by the East India Company. I deem this a fitting anniversary on which to greet the princes and peoples of India, in commemoration of the exalted task then solemnly undertaken. Half a century is but a brief span in your long annals yet this half century that ends to-day, will stand amid the floods of your historic ages, a far-shining landmark. The proclamation of the direct supremacy of the Crown sealed the unity of Indian Government and opened a new era. The journey was arduous and the advance may have sometimes seemed slow; but the incorporation of many strangely diversified communities, and of some three hundred millions of the human race, under British guidance and control has proceeded steadfastly and without pause. We survey our labours of the past half century with clear gaze and good conscience.

Difficulties such as attend all human rule in every age and place, have risen up from day to day. They have been faced by the servants of the British Crown with toil and courage and patience, with deep counsel and a resolution that has never faltered nor shaken. If errors have occurred, the agents of my Government have spared no pains and no self-sacrifice to correct them; if abuses have been proved, vigorous hands have laboured to apply a remedy.

No secret of Empire can avert the scourge of drought and plague, but experienced administrators have done all that skill and devotion are capable of doing to mitigate those dire calamities of nature. For a longer period than was ever known in your land before, you have escaped the dire calamities of war within your borders. Internal peace has been unbroken.

In the great charter of 1858 Queen Victoria gave you noble assurance of her earnest desire to stimulate the peaceful industry of India, to promote works of public utility and improvement, and to administer the government for the benefit of all resident therein. The schemes that have been diligently framed and executed for promoting your material convenience and advance—schemes unsurpassed in their magnitude and their boldness—bear witness before the world to the zeal with which that benignant promise has been fulfilled.

The rights and privileges of the Feudatory Princes and Ruling Chiefs have been respected, preserved, and guarded;

and the loyalty of their allegiance has been unswerving. No man among my subjects has been favoured, molested, or disquieted by reason of his religious belief or worship. All men have enjoyed protection of law. The law itself has been administered without disrespect to creed or caste, or to usages and ideas rooted in your civilization; it has been simplified in form, and its machinery adjusted to the requirements of ancient communities slowly entering a new world.

The charge confided to my Government concerns the destinies of countless multitudes of men now and for ages to come; and it is a paramount duty to repress with a stern arm guilty conspiracies that have no just cause and no serious aim. These conspiracies I know to be abhorrent to the loyal and faithful character of the vast hosts of my Indian subjects, and I will not suffer them to turn me aside from my task of building up the fabric of security and order.

Unwilling that this historic anniversary should pass without some signal mark of Royal clemency and grace, I have directed that as was ordered on the memorable occasion of the Coronation Durbar in 1903, the sentences of persons whom our courts have duly punished for offences against the law, should be remitted, or in various degrees reduced; and it is my wish that such wrong-doers may remain mindful of this act of mercy and may conduct themselves without offence henceforth.

Steps are being continuously taken towards obliterating distinctions of race as the test for access to posts of public authority and power. In this path I confidently expect and intend the progress henceforward to be steadfast and sure, as education spreads, experience ripens, and the lessons of responsibility are well learned by the keen intelligence and apt capabilities of India.

From the first, the principle of representative institutions began to be gradually introduced, and the time has come when, in the judgment of my Viceroy and Governor-General and others of my counsellors, that principle may be prudently extended. Important classes among you, representing ideas that have been fostered and encouraged by British rule, claim equality of citizenship, and a greater share in legislation and

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government. The politic satisfaction of such a claim will strengthen, not impair, existing authority and power. Administration will be all the more efficient if the officers who conduct it have greater opportunities of regular contact with those whom it affect, and with those who influence and reflect common opinion about it. I will not speak of the measures that are now being diligently framed for these objects. They will speedily be made known to you, and will, I am very confident, mark a notable stage in the beneficent progress of our affairs.

I recognize the valour and fidelity of my Indian troops, and at the New Year I have ordered that opportunity should be taken to show in substantial form this, my high appreciation of their martial instincts, their splendid discipline, and their faithful readiness of service.

The welfare of India was one of the objects dearest to the heart of Queen Victoria. By me, ever since my visit in 1875, the interests of India, its Princes and peoples, have been watched with an affectionate solicitude that time cannot weaken. My dear son, the Prince of Wales, and the Princess of Wales returned from their sojourn among you with warm attachment to your land and true and earnest in its well-being and content. These sincere feelings of active sympathy and hope for India on the part of my Royal House and Line only represent, and they do most truly represent, the deep and united will and purpose of the people of this kingdom.

May Divine protection and favour strengthen the wisdom and mutual good will that are needed for the achievement of a task as glorious as was ever committed to rulers and subjects in any State of Empire of recorded time.

[A Message read by His Excellency the Viceroy in Darbar
at Jodhpur, November 2, 1918.]

APPENDIX D.

THE KING'S PROCLAMATION

December 25, 1919

GEORGE V, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, to my Viceroy and Governor-General, to the Princes of Indian States and to all my subjects in India of whatsoever race or creed, Greeting:

1. Another epoch has been reached to-day in the annals of India. I have given my Royal assent to an Act which will take its place among the great historic measures passed by the Parliament of this Realm for the better government of India and for the greater contentment of her people. The Acts of 1773 and 1784 were designed to establish a regular system of administration and justice under the Honourable East India Company. The Act of 1833 opened the door for Indians to public office and employment. The Act of 1858 transferred the Administration from the Company to the Crown and laid the foundation of public life which exists in India to-day. The Act of 1861 sowed the seed of representative institutions and the seed was quickened into life by the Act of 1909. The Act which has now become law, entrusts the elected representatives of the people with a definite share in the Government and points the way to full responsible Government hereafter. If, as I confidently hope, the policy which this Act inaugurates should achieve its purpose, the results will be momentous in story of human progress; and it is timely and fitting that I should invite you to-day to consider the past and to join me in my hopes of the future.

2. Ever since the welfare of India was confided to us it has been held as a sacred trust by our Royal House and Line. In 1858 Queen Victoria of revered memory, solemnly declared herself bound to her Indian subjects by the same obligations

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of duty as to all her other subjects; and she assured to them religious freedom and the equal and impartial protection of the law. In his message to the Indian people in 1903 my dear father, King Edward VII, announced his determination to maintain unimpaired the same principles of humane and equitable administration. Again in his proclamation of 1908 he renewed the assurance which had been given fifty years before and surveyed the progress which they had inspired. On my accession to the Throne in 1910 I sent a message to the Princes and People of India acknowledging their loyalty and homage and promising that the prosperity and happiness of India should always be to me of the highest interest and concern. In the following year I visited India with the Queen-Empress and testified my sympathy for her people and my desire for their well-being.

3. While these are the sentiments of affection and devotion by which I and my Predecessors have been animated the Parliament and the People of this Realm and my Officers in India have been equally zealous for the moral and material advancement of India. We have endeavoured to give to her people the many blessings which Providence has bestowed upon ourselves. But there is one gift which yet remains and without which the progress of a country cannot be consummated: the right of her people to direct her affairs and safeguard her interest. The defence of India against foreign aggression is a duty of common imperial interest and pride. The control of her domestic concerns is a burden which India may legitimately aspire to take upon her own shoulders. The burden is too heavy to be borne in full until time and experience have brought the necessary strength; but opportunity will now be given for experience to grow and for responsibility to increase with the capacity for its fulfilment.

4. I have watched with understanding and sympathy the growing desire of my Indian people for representative institutions. Starting from small beginnings this ambition has steadily strengthened its hold upon the intelligence of the country. It has pursued its course along constitutional channels with sincerity and courage. It has survived the discredit which at times and in places lawless men sought to cast upon it by acts of violence committed under the guise of patriotism.

It has been stirred up to more vigorous life by the ideals for which the British Commonwealth fought in the Great war and it claims support in the part which India has taken in our common struggles, anxiety, and victories. In truth the desire after political responsibility has its source at the roots of the British connexion with India. It has sprung inevitably from the deeper and wider studies of human thought and history which that connexion has opened to the Indian people. Without it the work of the British in India would have been incomplete. It was, therefore, with a wise judgment that the beginnings of representative institutions were laid many years ago. Their scope has been extended stage by stage until there now lies before us a definite step on the road to responsible Government.

5. With the same sympathy and with redoubled interest I shall watch the progress along this road. The path will not be easy and in the march towards the goal there will be need of perseverance and of mutual forbearance between all sections and races of my people in India. I am confident that these high qualities will be forthcoming. I rely on the new popular assemblies to interpret wisely the wishes of those whom they represent and not to forget the interests of the masses who cannot yet be admitted to franchise. I rely on the leaders of the people, the Ministers of the future, to face responsibility and endure misrepresentation, to sacrifice much for the common interest of the state remembering that true patriotism transcends party and communal boundaries; and, while retaining the confidence of the Legislatures, to co-operate with my Officers for the common good in sinking unessential differences and in maintaining the essential standards of a just and generous Government. Equally I rely upon my Officers to respect their new colleagues and to work with them in harmony and kindness; to assist the people and their representatives in an orderly advance towards free institutions; and to find in these new tasks a fresh opportunity to fulfil as in the past their highest purpose of faithful service to my people.

6. It is my earnest desire at this time that so far as possible any trace of bitterness between my people and those who are responsible for my Government should be obliterated. Let those who in their eagerness for political progress have broken the law in the past, respect it in the future. Let it

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become possible for those who are charged with the maintenance of peaceful and orderly government to forget the extravagances which they have had to curb. A new era is opening. Let it begin with a common determination among my people and my Officers to work together for a common purpose. I, therefore, direct my Viceroy to exercise in my name and on my behalf my Royal clemency to political offenders in the fullest measure which in his judgment is compatible with the public safety. I desire him to extend it on this condition to persons who for offences against the State or under any special or emergency legislation are suffering imprisonment or restrictions upon their liberty. I trust that leniency will be justified by the future conduct of those whom it benefits and that all my subjects will so demean themselves as to render it unnecessary to enforce the laws for such offences hereafter.

7. Simultaneously with the new constitution in British India, I have gladly assented to the establishment of a Chamber of Princes. I trust that its counsel may be fruitful of lasting good to the Princes and the States themselves may advance the interests which are common to their territories and to British India and may be to the advantage of the Empire as a whole. I take the occasion again to assure the princes of India of my determination ever to maintain unimpaired their privileges, rights, and dignities.

8. It is my intention to send my dear son, the Prince of Wales, to India next winter to inaugurate on my behalf the new Chamber of Princes and the new constitution in British India. May he find mutual good will and confidence prevailing among those on whom will rest the future service of the country so that success may crown their labours and progressive enlightenment attend their administration.

And with all my people I pray to Almighty God that by His wisdom and under His guidance India may be led to greater prosperity and contentment, and may grow to the fullness of political freedom.

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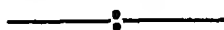
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